
STATUTORY INSTRUMENTS

2010 No. 626

The Harwich Parkeston Quay Harbour Revision Order 2010

PART 3

BOAT HARBOUR

Restriction of boat harbour to pleasure craft and certain other vessels

11.—(1) Notwithstanding section 33 of the 1847 Act (harbour, dock and pier to be free to the public on payment of rates), as incorporated by any provision of the Harwich Parkeston Quay enactments, but subject to article 13, the waters of the boat harbour shall be for the exclusive use of vessels falling within paragraph (2) and accordingly the Company shall not permit any other vessel to use those waters.

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

- (a) a recreational craft including a craft used for recreational fishing;
- (b) a vessel which is, for the time being, used for or in connection with sea fishing for profit;
- (c) the vessel used at the date when the works have been substantially completed by the Harwich and Dovercourt Sailing Club as its clubhouse and any replacement vessel which is so used and which, in either case, shall have a length not exceeding 26 metres and a beam not exceeding 7 metres; and which shall be permanently moored alongside Work No. 5;
- (d) a vessel for the time being employed for the purposes of any of the functions of the Company;
- (e) a vessel for the time being employed in connection with the provision of services at the boat harbour or on lands adjacent to the boat harbour;
- (f) a lifeboat or a vessel used by the coastguard service, the Essex Sea Fisheries Committee, the Environment Agency, the Harwich Haven Authority, Trinity House or the Ministry of Defence; or
- (g) any vessel operated pursuant to an agreement in writing with the Harwich Haven Authority.

(3) In paragraph (2), “recreational craft” means any vessel of not more than 30 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 Part 3 of the Merchant Shipping (Tonnage) Regulations 1997⁽¹⁾.

⁽¹⁾ S.I. 1997/1510, amended by S.I. 1998/1915.