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STATUTORY INSTRUMENTS

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**2011 No. 1347**

**The Yarmouth (Isle of Wight) Harbour Revision Order 2011**

**PART 2**

**HARBOUR REGULATION**

*Other provisions*

**Power to designate parts of harbour, etc.**

**18.**—(1) Subject to paragraphs (4) and (5), and to Schedule 4, but notwithstanding anything else in this or any other statutory provision of local application, the Commissioners may from time to time set apart or designate any part of the harbour for the exclusive, partial or preferential use or accommodation of any particular trade, activity, person, vessel or class of vessels or goods, subject to the payment of such reasonable charges and to such terms, conditions and regulations as the Commissioners think fit.

(2) Without prejudice to the generality of paragraph (1), the Commissioners may exercise the powers of this article in relation to any part of the harbour during and for the purposes of any regatta, boat race or other event or function.

(3) No person or vessel shall, otherwise than in accordance with the setting apart or designation, make use of any part of the harbour so set apart or designated without the consent of the harbourmaster or other duly authorised officer of the Commissioners, and—

- (a) the harbourmaster or, as the case may be, such officer may order any person or vessel making use of it without such consent to leave or be removed; and
- (b) the provisions of section 58 of the Harbours, Docks, and Piers Clauses Act 1847(1) shall extend and apply with appropriate modifications in relation to any such vessel.

(4) The Commissioners shall not exercise the powers of this article in such a way as to prevent the exercise of rights conferred by any licence granted pursuant to article 14(2) or article 15.

(5) Nothing in this article shall authorise the permanent or temporary stopping up or diversion or other interference with any public right of way over land within the harbour.

**Fuel bowzers**

**19.**—(1) In this article “fuel bowser” means a movable tank, pump or other appliance for the fuelling of vessels and includes any vehicle, trailer or similar device on which the bowser is mounted.

(2) No person shall place, retain or use a fuel bowser on any land or on any wharf, quay or other work in the harbour unless the person is authorised to do so by a licence granted by the Commissioners.

(3) A licence under this article—

- (a) may be granted for such a period, and on such terms and conditions, as the Commissioners think fit; and
  - (b) may relate to one or more fuel bowzers.
- (4) The Commissioners may charge a reasonable fee for the grant of a licence under this article.
- (5) Nothing in any licence granted under this article shall entitle any person to place, retain or use any fuel bowser on land not owned or leased by that person, or by the Commissioners, or in which that person has no appropriate interest.
- (6) Any person who contravenes paragraph (2) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (7) If any person commits an offence under paragraph (6) the Commissioners may—
- (a) remove the fuel bowser, including any fuel pipes or other equipment provided with it;
  - (b) sell or otherwise dispose of the fuel bowser, pipes and equipment together with any fuel contained therein; and
  - (c) recover out of the proceeds of sale any unpaid licence fee payable under paragraph (4) and the expenses of removal and disposal under this paragraph,
- and shall hold any surplus proceeds of sale on trust for the owner of the fuel bowser.
- (8) If the proceeds of any sale under paragraph (7)(b) above are insufficient to reimburse the Commissioners for the expenses referred to in paragraph (7)(c) the Commissioners may recover the deficiency, or, where there is no sale, the whole of the expenses, from the owner as a debt.