

**EXPLANATORY MEMORANDUM TO
THE ASSOCIATED BRITISH PORTS (FISHER FLEET QUAY) HARBOUR
REVISION ORDER 2014**

2014 No. 2933

1. This explanatory memorandum has been prepared by the Marine Management Organisation and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
 - 2.1 The purpose of this instrument is to authorise Associated British Ports (“the Applicant”) to extend and upgrade the Fisher Fleet Quay. The new modern facility will provide for the ongoing requirements of the local fishing industry.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None
4. **Legislative Context**
 - 4.1 The Applicant is the statutory harbour authority for King’s Lynn.
 - 4.2 The Applicant applied to the Department for Transport on 16 January 2008 for The Associated British Ports (Fisher Fleet Quay) Harbour Revision Order 2014 (“the Order”) to be made under Section 14 of the Harbours Act 1964 (“the Act”).
 - 4.3 The responsibility for the consideration of the application, and the making of any order, passed to the marine Management Organisation (“MMO”) by virtue of the Harbours Act 1964 (Delegation of Functions) Order 2010 (S.I 2010/674) which delegated the Secretary of State functions under Section 14 to the MMO except in relation to specified applications.
 - 4.4 The Order authorises a project and is one which falls within Annex II of Council Directive 85/337/EEC which is codified by Council Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment but it was determined in accordance with paragraph 4 of Schedule 3 to the Act that it was not a relevant project requiring an environmental statement.
5. **Territorial Extent and Application**
 - 5.1 This instrument applies to England.
6. **European Convention on Human Rights**

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation no statement is required.

7. Policy background

7.1 The Order empowers the Applicant as harbour authority to extend and upgrade the Fisher Fleet Quay.

7.2 The current quay was constructed in the 1950s, and whilst it has been maintained, the size and scope of the facility has been outgrown by the demands of the modern fishing industry.

7.3 The new modern facility will provide for the ongoing requirements for the local fishing industry for many years to come.

8. Consultation outcome

8.1 In accordance with the paragraph 10 of Schedule 3 to the Act a notice was placed in the London Gazette and local publications detailing the application for the Order and how any objections or representations may be registered.

8.2 In addition, the DfT directed the Applicant to serve the application and supporting documentation on various bodies it considered would have interest in the proposals.

8.3 One objection to the Order was received within the statutory period of forty-two days provided for in Schedule 3 of the Act. The objection was subsequently withdrawn.

8.4 Full details of the objection and representations made can be found in the MMO's decision letter at <https://www.gov.uk/government/publications/associated-british-ports-fisher-fleet-quay-hro-2014>

9. Guidance

9.1 The MMO does not propose to issue guidance in respect of the effects of the Order. However, the Applicant will publish particulars, and serve copies, of the Order in accordance with paragraph 24 of Schedule 3 to the Act.

10. Impact

10.1 The MMO considers the impact on business, charities or voluntary bodies to be minor.

10.2 The impact on the public sector is nil.

10.3 An Impact Assessment has not been prepared for this instrument. The MMO considers the impacts to be minor.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 Whilst the MMO will not actively monitor the operation of the provisions introduced by the Order, it will consider any representations received in this respect and will take these into account in the future exercise of its powers.

13. Contact

13.1 Mark Kirby at the Marine Management Organisation email:
Mark.Kirby@marinemanagement.org.uk