
STATUTORY INSTRUMENTS

2021 No. 130

The Fowey Harbour Revision Order 2021

PART 1

PRELIMINARY

Incorporation of provisions of Harbours, Docks and Piers Clauses Act 1847

3.—(1) The Act of 1847 (except sections 6 to 26, 28 to 31, 42, 48 to 50, 66, 67, 70, 92 and 101), so far as applicable to the purposes and not inconsistent with the provisions of this Order and the Order of 1937 respectively, is hereby incorporated with this Order and the Order of 1937 subject to the modifications stated in paragraphs (2) to (4) below.

(2) Section 63 of the Act of 1847 shall have effect subject to the modification that for the words from “liable to” to the end of the section there are substituted the words “be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale”.

(3) Section 69 of the Act of 1847 shall have effect subject to the modification that for the words from “shall forfeit” to the end of the section there are substituted the words “shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale”.

(4) In construing the provisions of the Act of 1847 as incorporated with this Order and the Order of 1937 respectively—

- (a) the expression “the special Act” means this Order and the Order of 1937 respectively, the expression “the undertakers” means the Commissioners and the expression “the harbour, dock, or pier” shall mean the harbour as defined in article 2(1) of this Order,
- (b) for the definition of the word “vessel” in section 3 of the Act of 1847 there shall be substituted the definition of that word in article 2(1) of this Order,
- (c) the reference in section 53 of the Act of 1847 to notice of a direction by the harbour master served upon a vessel shall not be construed as requiring the notice to be in writing if in the circumstances it is not reasonably practicable for the harbour master to serve a written notice on the master, and in such circumstances the said reference may be construed as including the communication of the notice orally or otherwise.