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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order empowers the Fowey Harbour Commissioners (“the Commissioners”) as harbour authority for Fowey Harbour to clarify the limits of the harbour to expressly include the harbour premises (article 13). An illustrative plan (defined in article 13) showing the harbour limits and the harbour premises may be inspected during working hours at the Commissioners main office at Albert Quay, Fowey PL23 1AJ.

The Order confers on the Commissioners and the harbour master (defined in article 2) powers of general and special direction for the regulation and management of the harbour (articles 4 to 10).

The powers of general direction are extended to include the regulation of vehicles in the harbour and provision is made of a register of all in force general directions which may be inspected during working hours at the main office of the Commissioners (article 4).

The Order creates an offence of failing to comply with special or general directions, the penalty for which is a fine on summary conviction not exceeding level 4 on the standard scale (article 8).

A defence of due diligence is available to a person charged under article 8 (article 8(2)).

The Order confers on the Commissioners powers related to the licensing of boatmen and vessels (article 12) and updates the constitution of the Commissioners to remove the requirement for Cornwall Council to appoint Commissioners to reflect current arrangements (amendment of articles 4, 6 and 8 and Schedule 2 of the Order of 2001) (article 14).

The Order also makes amendments to articles 3 and 4 of the Order of 1937 to update the definition of vessel and to omit article 4(1)(c) which is no longer required as a result of article 3 of the Order (incorporation of provisions of Harbours, Docks, and Piers Clauses Act 1847). The Order also amends article 4 of the Order of 1980 to update the level of fine to level 3 on the standard scale (article 18).

The Order also revokes/repeals the Pier and Harbour Order (Fowey) Confirmation Act 1960 in its entirety and article 5 of the Order of 2001 (article 19).

A full impact assessment has not been produced for this instrument as no, or no significant impact on the private, voluntary or public sector is foreseen.

An explanatory memorandum is available alongside the instrument on the UK Legislation website at [www.legislation.gov.uk](http://www.legislation.gov.uk).