
EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made on the application of Weymouth and Portland Borough Council (now Dorset Council) modernises and consolidates the statutory harbour powers applying in relation to Weymouth Harbour and provides for:

(1) The Jurisdiction (article 4) and General functions (article 5) of the Council as the statutory harbour authority for Weymouth Harbour and clarity on the limits of the harbour (article 6) including plans of the harbour limits and the harbour premises which can be inspected during working hours at the office of the Marine Management Organisation, Lancaster House, Hampshire Court, Newcastle upon Tyne, NE4 7YH and the principal office of the Dorset Council County Hall, Colliton Park, Dorchester, Dorset, DT1 1XJ.

(2) Powers to vest in the Council relating to finances including application (article 7), reserve fund (article 8) and borrowing powers (article 9).

(3) A modern suite of charging powers (article 10 – 19) including exemptions from harbour dues (article 17) and prevention of sailing of vessels (article 19).

(4) Powers of general and special direction on the Council and the harbour master (defined in article 2) for the regulation and management of the harbour (articles 20 to 27). A register of all in force general directions which may be inspected during working hours at the harbour office of the Council (article 23). This 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 25). A defence of due diligence is available to a person charged under article 25 (article 25(2)).

(5) The establishment of an advisory body consisting of harbour stakeholders with which the Council are required to consult on material matters (article 28).

(6) Powers relating to development of land (article 29), power to grant tenancies and dispose of land (article 30), power to appropriate lands and works for particular uses, etc. (article 31), other commercial activities (article 32), power to delegate functions (article 33).

(7) Powers relating to moorings (article 34), bunkering (article 35), aids to navigation (article 36), power to dredge (article 37), repairing of landing places (article 38).

(8) Powers relating to disposal of wrecks (article 39), unseaworthy vessels (article 40), removal of obstructions other than vessels (article 41) and notices (article 43).

(9) Savings for Trinity House (article 42), the Crown (article 44) and existing byelaws etc. (article 45).

(10) To facilitate that above, the Order repeals and revokes the Acts and Orders set out in Schedule 2 to the Order and amends the Acts of 1854, 1879, 1887, 1914 and Orders of 1930 and 1988 as set out in article 46.

An impact assessment has not been prepared for this Order as there is no, or no significant, impact predicted on businesses, charities, voluntary bodies or the public sector.

An Explanatory Memorandum is available alongside the instrument on the UK legislation website at www.legislation.gov.uk.