

2021 No. 572

HARBOURS, DOCKS, PIERS AND FERRIES

The St. Ives (G7 Summit 2021) Harbour Revision Order 2021

<i>Made</i> - - - -	<i>11th May 2021</i>
<i>Laid before Parliament</i>	<i>14th May 2021</i>
<i>Coming into force</i> - -	<i>7th June 2021</i>

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Cornwall Council has applied for a harbour revision order in accordance with section 14 of the Harbours Act 1964(a) (“the Act”).

The Secretary of State, as the appropriate Minister for the purposes of section 14, has by an Order(b) under section 42A of the Act(c) delegated the functions of the appropriate Minister under section 14(d) to the Marine Management Organisation(e).

The Marine Management Organisation, being satisfied as mentioned in section 14(2)(b) and in exercise of the powers conferred by section 14(1) and (3) of the Act, makes the following Order.

PART 1

PRELIMINARY

Citation, commencement, duration and extent

1.—(1) This Order may be cited as the St. Ives (G7 Summit 2021) Harbour Revision Order 2021 and comes into force on 7th June 2021.

(2) This Order ceases to have effect at 11:59pm on 15th June 2021.

(3) This Order extends to England and Wales.

Interpretation

2.—(1) In this Order—

“the 1886 Order” means the Saint Ives Harbour Order 1886(f);

“the 1993 Order” means the St. Ives Harbour Revision Order 1993(g);

“the St. Ives Harbour Act and Orders 1853 to 1993” means the Saint Ives Harbour Act 1853(h), the Saint Ives Harbour Order 1862(i), the 1886 Order, the St. Ives Harbour Order 1888(j), St. Ives Harbour Revision Order 1980(k) and the 1993 Order;

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- (a) 1964 c. 40. Section 14 was amended by the Transport Act 1981 (c. 56), section 18 and Schedule 6, paragraphs 2 to 4(1) and 14 and section 40 and Schedule 12 (Part II), by the Transport and Works Act 1992 (c. 42), section 63(1) and Schedule 3, paragraph 1, by S.I. 2006/1177, regulation 2 and the Schedule (Part I), by the Planning Act 2008 (c. 29), section 36 and Schedule 2, paragraphs 8 and 9, by S.I. 2009/1941, article 2 and Schedule 1, paragraph 12 and by the Criminal Justice Act 1982 (c. 48), sections 37 and 46. Section 54 (orders and regulations) was amended by the Transport Act 1981 (c. 56), sections 18 and 40 and Schedules 6 and 12 (Part II) and by the Marine and Coastal Access Act 2009 (c. 23), section 315 and Schedule 21, paragraphs 1 and 3(2).
- (b) S.I. 2010/674.
- (c) Section 42A was inserted, in relation to England and Wales, by section 315 of, and paragraphs 1 and 3(1) of Schedule 21 to, the Marine and Coastal Access Act 2009 (c. 23).
- (d) For the definition of “the Minister”, see section 57(1) of the Harbours Act 1964 (c. 40).
- (e) The Marine Management Organisation was established by section 1 of the Marine and Coastal Access Act 2009 (c. 23). The head office address of the Marine Management Organisation is located at Lancaster House, Hampshire Court, Newcastle upon Tyne, NE4 7YH.
- (f) 1886 (50 Vict.) Ch. ix. The Saint Ives Harbour Order 1886 is contained in the Schedule to the Pier and Harbour Orders Confirmation Act 1886.
- (g) S.I. 1993/2176.
- (h) 1853 (16 & 17 Vict.) Cap.cxxix.
- (i) 1862 (25 & 26 Vict.) Cap 51. The Saint Ives Harbour Order 1862 is contained in the Schedule to the Pier and Harbour Orders Confirmation Act 1862.
- (j) 1888 (51 & 52 Vict.) Ch. cxix. The St. Ives Harbour Order 1888 is contained in the Schedule to the Pier and Harbour Orders Confirmation (No.1) Act 1888.
- (k) S.I. 1980/115.

“the additional area” means so much of the area within an imaginary straight line from Godrevy Point (50°14’ 24” N 5° 23’ 33” W) to Browther Rock (50° 13’ 13” N 5° 29’ 43” W) and then in a straight line in a south westerly direction to Clodgy Point (50° 13’ 09” N 5° 29’ 45” W) and then following the line of the level of high water along the coast to Godrevy Point (50°14’ 24” N 5° 23’ 33” W) excluding Hayle harbour and the harbour, shown for information purposes shaded blue on the signed map(a);

“constable” means a sworn police officer in England and Wales;

“the Council” means Cornwall Council;

“the G7 commencement date” means the date this Order comes into force;

“the G7 period” means the period beginning with the G7 commencement date and ending with the G7 termination date;

“the G7 termination date” means 11:59pm on 15th June 2021;

“general direction” means a direction given under article 6 of this Order;

“the harbour” means the harbour of St. Ives the limits of which are described in article 12 (limits of harbour) of the 1886 Order shown for information purposes shaded light green on the signed map;

“harbour master” means any person appointed as such by the Council, and includes the duly authorised deputies and assistants of the harbour master and any other person for the time being authorised by the Council to act, either generally or for a specific purpose, in the capacity of harbour master;

“harbour police area” means the harbour, the additional area and any place within one mile of those areas;

“Hayle harbour” means the Hayle harbour, the limits of which are described in section 15 (limits of jurisdiction) of the Hayle Harbour Act 1989(b) shown for information purposes shaded purple on the signed map;

“hovercraft” means a vehicle which is designed to be supported when in motion wholly or partly by air expelled from the vehicle to form a cushion of which the boundaries include the ground, water or other surface beneath the vehicle;

“jet bike” means any watercraft (not being a structure which by reason of its concave shape provides buoyancy for the carriage of persons or goods) propelled by a water jet engine or other mechanical means of propulsion and steered either—

(a) by means of a handlebar-operated linkage system (with or without a rudder at the stern);

(b) by the person or persons riding the craft using their body weight for the purpose; or

(c) by a combination of the methods referred to in (a) and (b) above;

“land” includes land covered by water except where expressly stated otherwise;

“the level of high water” means the level of mean high-water spring tides;

“master”, in relation to a vessel, means any person having or taking command, charge, management or conduct of the vessel for the time being;

“signed map” means the map prepared in duplicate, signed on behalf of the Marine Management Organisation and marked “Signed map referred to in the St. Ives (G7 Summit 2021) Harbour Revision Order 2021”, one copy of which is deposited at the office of the Marine Management Organisation (c) and the other at the office of the Council(d);

(a) All coordinates are in degrees, minutes and seconds and based on WGS84 datum, where “WGS84” means the World Geodetic System 1984.

(b) 1989 c. 12.

(c) The signed map may be inspected during normal office hours at the Marine Management Organisation, Lancaster House, Hampshire Court, Newcastle upon Tyne, NE4 7YH and is available on www.gov.uk/government/collections/harbour-orders-public-register.

(d) The signed map may be inspected during normal office hours at the Cornwall Council, County Hall, Treyew Road, Truro, TR1 3AY.

“special direction” means a direction given under article 9 of this Order;

“Trinity House” means the Corporation of Trinity House of Deptford Strond^(a);

“vessel” includes a ship, boat, houseboat, raft or water craft of any description, however propelled or moved, and includes non-displacement craft, a jet bike, a personal watercraft, seaplane on the surface of the water, a hydrofoil vessel, a hovercraft or any other amphibious vehicle and any other thing constructed or adapted or floating on or being submersed in water (whether permanently or temporarily);

(2) In the definition of “the additional area” in paragraph (1) all measurements are to be construed as if the words “or thereabouts” were inserted after each measurement.

Incorporation of the St. Ives Harbour Act and Orders

3.—(1) The St. Ives Harbour Act and Orders 1853 to 1993 except article 21 (powers to dredge, &c. at or near harbour and works authorised by this Order) of the 1886 Order and article 9 (power to dredge) of the 1993 Order so far as applicable to the purposes and not inconsistent with the provisions of this Order are—

- (a) incorporated into this Order, subject to the modification in article 4(7), and
- (b) apply to the additional area during the G7 period.

(2) The application of the St. Ives Harbour Act and Orders 1853 to 1993 to the harbour remain unaffected by this Order.

(3) The application of the St. Ives (Pilotage) Harbour Revision Order 1988^(b) to the harbour, Hayle harbour and the additional area remain unaffected by this Order.

PART 2

JURISDICTION AND FUNCTIONS

Jurisdiction

4.—(1) Subject to article 15—

- (a) no general or special direction made under this Order takes effect at any time other than during the G7 period, and
- (b) any such direction ceases to have effect on the G7 termination date.

(2) On the G7 commencement date, the Council becomes the harbour authority for the additional area.

(3) Subject to article 15, on the G7 termination date, the Council ceases to be the harbour authority for the additional area.

(4) On the G7 termination date the Council continues to be the harbour authority for the harbour.

(5) On the G7 termination date the Council continues to have jurisdiction for the purposes of pilotage under Part 1 of the Pilotage Act 1987^(c) in the harbour, Hayle harbour and the additional area.

^(a) The Corporation of Trinity House, Tower Hill, London, EC3N 4DH.

^(b) S.I. 1988/1500.

^(c) 1987 c. 21. Section 1(4B), 1(5), 1(7), 1(8A) and 1(8B) was amended by the Marine Navigation Act 2013 (c. 23), section 3(1) and section 3(2A) by the Pilotage (Recognition of Qualification and Experience) Regulations 2003/1230, section 3(10) by the Local Authorities (Executive and Alternative Arrangements) (Modification of Enactments and Other Provisions) (England) Order 2001/2237, sections 8(1), 8(5)(a), 8(7), 8A, 8A(1), 8B, 8B(1) and 10(3) by the Marine Navigation Act 2013 (c. 23). Section 3(1A) is repealed by the Pilotage and Port Services (Amendment) (EU Exit) Regulations 2020/671, section 3(2) by the Employment Equality (Age) Regulations 2006/1031 as amended by SI 2006/2408, section 3(2A) by the Pilotage and Port Services (Amendment) (EU Exit) Regulations 2020/671.

(6) The St. Ives Harbour Act and Orders 1853 to 1993 remain in force at all times for the purposes of the Council exercising jurisdiction as a harbour authority during the G7 period in respect of—

- (a) the harbour, and
- (b) the additional area,

subject to the provisions of the St. Ives Harbour Act and Orders 1853 to 1993 and this Order.

(7) On the G7 commencement date, for the purposes of the provisions of the St. Ives Harbour Act and Orders 1853 to 1993 incorporated in this Order and applied by article 3, the definition of “the harbour” in the St. Ives Harbour Act and Orders 1853 to 1993 is extended to include the additional area until the G7 termination date.

(8) The powers of the harbour master may be exercised within the additional area during the G7 period.

(9) The St. Ives (Pilotage) Harbour Revision Order 1988 remains in force at all times for the purposes of the Council exercising jurisdiction as a competent harbour authority for the purposes of—

- (a) pilotage under Part 1 of the Pilotage Act 1987 during the G7 period in respect of the harbour, Hayle harbour and the additional area, subject to the provisions of the St. Ives (Pilotage) Harbour Revision Order 1988, and
- (b) the Pilotage Act 1987.

General functions

5. During the G7 period, the Council may, subject to the provisions of the St. Ives Harbour Act and Orders 1853 to 1993 and this Order, take all such steps as it considers necessary or desirable for the maintenance, operation, management, regulation and improvement of the harbour and the additional area, and for the conservation of the areas flora, fauna and geological and physiographical features of special interest.

PART 3

GENERAL DIRECTIONS AND SPECIAL DIRECTIONS

Power to make general directions as to use of harbour, etc.

6.—(1) The Council may, in accordance with the requirements of article 7, give a direction for—

- (a) the ease, convenience or safety of navigation;
- (b) the safety of persons; or
- (c) the protection of property, flora or fauna;

within the harbour and the additional area.

(2) A direction under this article may apply—

- (a) to all vessels or to a class of vessels;
- (b) to persons designated in the direction;
- (c) to the whole of the harbour and the additional area or to a part; or
- (d) at all times or at certain times or at certain states of the tide;

and every direction must specify the extent of its application including its geographical extent in relation to the matters referred to in sub-paragraphs (a), (b), (c) and (d).

(3) The Council may amend or revoke a direction given under paragraph (1).

(4) The Council must keep and make available for inspection at its harbour office and on its website (a) a public register of all in force general directions.

Procedure for giving, amending or revoking general directions

7.—(1) Subject to paragraph (7), if the Council proposes to give, amend or revoke a general direction, it must—

- (a) give notice in writing of the proposal and a plan of the area over which the proposal applies to the “designated consultees” them being;
 - (i) the Chamber of Shipping;
 - (ii) the Royal Yachting Association; and
 - (iii) such other persons or organisations as it considers appropriate for the purposes of the application of this provision;
- (b) place a notice of the proposal on the Council’s website and in prominent locations at the Council’s harbour office on the same date as the notice given in accordance with sub-paragraph (a) and keep that notice on display for a minimum of 6 weeks;
- (c) consult with the designated consultees upon the proposal and allow a period of not less than 6 weeks beginning with the date of the notice given in accordance with sub-paragraphs (a) and (b) for written representations to be made by the designated consultees and any other persons to the Council regarding the proposal;
- (d) have regard to all representations made during consultation;
- (e) give notice in writing to the designated consultees, and to those other persons that have provided a consultation response, following consultation as to whether the Council proposes to proceed with the proposal and, if so, specifying whether it is making any modifications to the proposal and its reasons for so doing; and
- (f) if the Council proposes to proceed with the proposal and a designated consultee has made representations against the proposal, invite that designated consultee to confirm in writing whether they maintain their objection to the proposal within 28 days beginning with the date of the notice given in accordance with sub-paragraph (e), or such longer period as the Council may specify.

(2) Where the Council has complied with paragraph (1), it may proceed to give, amend or revoke a general direction if—

- (a) none of the designated consultees have made representations against the proposal;
- (b) none of the designated consultees which made representations against the proposal have confirmed in writing that they are maintaining their objection to the proposal in accordance with paragraph (1)(f); or
- (c) where a designated consultee has maintained an objection in accordance with paragraph (1)(f), the requirements of paragraph (3) have been complied with.

(3) Where a designated consultee has confirmed in writing to the Council that they maintain their objection to a proposal—

- (a) the issue must be referred to an independent person (“the adjudicator”) appointed—
 - (i) by agreement between the Council and each designated consultee maintaining an objection in accordance with paragraph (1)(f) (“the parties”); or
 - (ii) failing agreement, by the President of the London Maritime Arbitrators Association on the application of either of the parties;
- (b) so far as is reasonably practicable within 12 weeks beginning with the date of the referral, the adjudicator must—

(a) Harbour Office, Smeatons Pier, St. Ives, TR26 1LP, www.cornwallharbours.co.uk.

- (i) provide a reasonable opportunity for the parties to make representations to or be heard by the adjudicator at a hearing, and
 - (ii) make a written report to the parties with findings and recommendations on the issue, and
- (c) the Council must decide whether to exercise the power to give, amend or revoke the general direction having regard to the adjudicator's report (but it is not bound to give effect to any recommendations) and, once it has decided, must give notice in writing to the designated consultees and to any other person that provided a consultation response of its decision and the reasons for that decision.
- (4) Except as otherwise provided for in paragraph (3), the adjudicator may determine the procedure for the making of representations and the conduct of any hearing.
- (5) The costs incurred by the adjudicator and the parties from a referral under paragraph (3) are to be paid by one or more of the parties as the adjudicator may direct.
- (6) If the Council wishes to exercise the power to give, amend or revoke a general direction in a form materially different from both the form notified to the designated consultees under paragraph (1)(e) and (where paragraph (3) applies) the form recommended by the adjudicator under paragraph (3)(b), it must proceed as if the proposal is a new proposal to which paragraph (1) applies.
- (7) Paragraphs (1) to (6) do not apply where in the interests of navigational safety, or safety of persons, the Council proposes to give or amend a general direction—
- (a) in an emergency; or
 - (b) relating to an intended or potential activity or operation within the harbour or the additional area which—
 - (i) is expected to commence within the G7 period,
 - (ii) is to last less than 28 days, and
 - (iii) the Council considers that the giving or amending of a general direction in relation to the intended or potential activity or operation is required, taking into account other activities or operations in the harbour and the additional area which may be affected.
- (8) Where the Council proceeds to give or amend a general direction in accordance with paragraph (7), it must—
- (a) as soon as is reasonably practicable give notice of the direction or amendment to those persons who would have been designated consultees had paragraph (1)(a) applied; and
 - (b) if the direction or amendment is intended to continue in force for more than 12 weeks, apply the procedure under paragraphs (1)(c) to (f) and (2) to (6) to the direction or amendment with the following modifications—
 - (i) a reference to the 'proposal' in those paragraphs is to be read as a reference to the direction or amendment; and
 - (ii) in paragraph (1)(c), for "sub-paragraphs (a) and (b)" substitute "paragraph (8)(a)"; and
 - (iii) a reference to the Council 'proceeding' with a proposal is to be read as a reference to the Council determining that the direction or amendment should remain in force.

Publication of general directions

8.—(1) Subject to paragraph (3), the Council must publish a notice of the giving, amendment or revocation of a general direction as soon as reasonably practicable on one occasion in a newspaper circulating in the area of the harbour and the additional area and electronically on the Council's website during the G7 period.

(2) The notice must state a place at which copies of the general direction may be inspected.

(3) In an emergency, the Council may give notice of the giving or amendment of a general direction in any manner which it considers to be appropriate.

Special directions

9.—(1) The harbour master may give a special direction in respect of a vessel anywhere in the harbour or the additional area for any of the following purposes—

- (a) requiring a person to comply with a requirement made in or under a general direction;
- (b) regulating or requiring the movement, anchorage, berthing, mooring or unmooring of the vessel;
- (c) regulating the loading, discharging, storing and safeguarding of its cargo, fuel, water or stores, and the dispatch of its business at the harbour premises;
- (d) specifying the precautions to be taken in respect of apparatus, machinery and equipment;
- (e) prohibiting or restricting the use of fires or lights;
- (f) regulating the use of ballast;
- (g) requiring the removal of the vessel from any part of the harbour or the additional area if the vessel—
 - (i) is on fire;
 - (ii) is in such condition as to be liable to become immobilised or waterlogged, to sink or to constitute a danger to life or property;
 - (iii) is making an unlawful use of the harbour or interfering with the reasonable use or enjoyment of the harbour by other vessels or persons or the dispatch of business in the harbour; or
 - (iv) needs to be removed to enable maintenance or repair work to be carried out to the harbour premises;
- (h) requiring the vessel be removed to a place outside the harbour or the additional area if such removal is considered by the harbour master to be necessary in order to avoid danger or potential danger to life (including wildlife) or to property.

(2) A special direction may be given in any manner considered by the harbour master to be appropriate.

(3) The harbour master may revoke or amend a special direction.

Failure to comply with directions

10.—(1) A person who fails to comply with a general direction or a special direction is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(2) In any proceedings for an offence under paragraph (1) it is a defence for the person charged to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

Enforcement of directions

11.—(1) For the purposes of this article, if a special direction is not complied with within a reasonable time, the harbour master may put persons on board the vessel to carry out the direction or may otherwise cause the vessel to be handled in accordance with the direction.

(2) This does not restrict the use of any other remedy available to the Council.

(3) If there is no-one on board a vessel to comply with a special direction, the harbour master may proceed as if the direction had been given and not complied with, provided that the powers of this paragraph are not exercisable—

- (a) in relation to a vessel other than a lighter unless, after reasonable inquiry has been made, the master cannot be found; or
- (b) in relation to a lighter unless it is obstructing or interfering with navigation.

(4) Expenses incurred by the Council in the exercise of the powers conferred by paragraph (1) are recoverable by the Council as if it were a charge of the Council in respect of the vessel.

Master's responsibility in relation to directions

12. The giving of a general or special direction does not diminish or in any other way affect the responsibility of the master of the vessel to which the direction is given in relation to the vessel, to persons on board the vessel, to the cargo or any other person or property.

PART 4

MISCELLANEOUS AND GENERAL

Appointment of constables

13.—(1) During the G7 period—

- (a) the Council may nominate persons to be constables in the harbour police area; and
- (b) a justice of the peace may then appoint the nominated persons to be constables in the harbour police area for all, or part, of the G7 period.

(2) A constable appointed under paragraph (1) may act as such in the harbour police area and whilst the constable is so acting, the constable has all the powers and privileges of a constable.

(3) No power conferred on a constable by this article derogates from, takes away or in any way diminishes any other power which the constable may have, or affect in any way their appointment as a constable other than under the powers of this Order.

Limitations on the powers under this Order

14. Subject to article 15, no powers may be exercised under this Order outside the G7 period and no general or special direction made under this Order has effect outside the G7 period.

Saving

15.—(1) No proceedings or inquiries, whether commenced or continued during or after the G7 period, in respect of any situation, matter, thing, happening, act, refusal, neglect or failure occurring during the G7 period so far as relating to the harbour or the additional area, or any part or parts of those areas, including, but not limited to proceedings—

- (a) for an offence committed or penalty incurred; or
- (b) for the recovery of expenses, rates, dues, fees or charges incurred;

during the G7 period, are affected by this Order or any general directions or special directions ceasing to have effect on the G7 termination date.

(2) Any proceedings or inquiries mentioned in paragraph (1) may be commenced, continued and concluded, and any decision, judgment or ruling may be enforced, as if this Order, and any general directions and special directions, had not ceased to have effect.

(3) Any period of time current in relation to any proceedings or inquiries mentioned in paragraph (1) when this Order ceases to have effect is not affected by its ceasing to have effect and may continue to run as if this Order, and any general directions and special directions, had not ceased to have effect.

(4) Nothing in this article prejudices the operation of sections 15 to 17 of the Interpretation Act 1978(a) (repealing enactments).

(a) 1978 c. 30.

Saving for Trinity House

16. Nothing in this Order prejudices or derogates from any of the rights, duties or privileges of Trinity House.

Crown Rights

17.—(1) Nothing in this Order—

- (a) prejudicially affects any estate right, power, privilege, authority or exemption of the Crown, or
- (b) authorises the Council or any licensee to take, use, enter upon or in any manner interfere with any land or interests in land or any rights of whatsoever description (including any part of the shore or bed of the sea or of any river, channel, creek, bay or estuary) belonging to—
 - (i) Her Majesty in right of the Crown and under the management of the Crown Estate Commissioners without the prior consent in writing of those Commissioners, or
 - (ii) a government department, or held in trust for Her Majesty for the purposes of a government department, without the consent in writing of that government department.

(2) A consent under paragraph (1)(b) may be given unconditionally or subject to such conditions and upon such terms as may be considered necessary or appropriate.

Notices

18.—(1) Except where this Order expressly provides otherwise a notice or other document required or authorised to be given for the purposes of this Order, or any direction given under this Order, must be in writing and must be sent by first class post.

(2) Where the person on whom a notice or other document to be sent for the purposes of this Order is a body corporate, the notice or document is duly given if it is given to the secretary or clerk of that body.

(3) Where a person on whom a notice or other document is to be given has agreed in writing that notices may be given by email, or other electronic means, the Council may provide notices by that means until such time as the person informs it in writing that they are no longer willing to receive notices or documents by email or by such other electronic means.

(4) For the purposes of section 7 of the Interpretation Act 1978(a) as it applies for the purposes of this article, the proper address of a person in relation to the giving of a notice or document under paragraph (1) is, if they have given an address for service that address, and otherwise—

- (a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body, and
- (b) in any other case, their last known address at the time of service.

(5) Where for the purposes of this Order a notice or other document is required or authorised to be given on a person whose name and address cannot be ascertained after reasonable inquiry—

- (a) in the case of a notice or document to be served on a person as having an interest in or as the occupier of, any land, it may be given by—
 - (i) addressing it to them by name or by the description of “owner”, or as the case may be “occupier”, of the land (describing it), and
 - (ii) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land;

(a) 1978 c. 30.

- (b) in the case of a notice or document relating to a vessel (including a wreck), it may be given by exhibiting it in a conspicuous position on or near the vessel (unless it would not be reasonably practicable to exhibit the notice or document in this manner or if the notice or document would not be likely to be seen if it were so exhibited) or by handing it to a member of the crew; and
- (c) in the case of any other notice or document or a notice or document that is not capable of being given under sub-paragraph (b) it may be given by displaying it at the harbour office for the period of its duration.

Signed by authority of the Marine Management Organisation

Tom McCormack
Chief Executive Officer

11th May 2021

An authorised employee of the Marine Management Organisation

EXPLANATORY NOTE

(This note is not part of the Order)

This Order will come into force on 7th June 2021 (article 1(1)) and will cease to have effect on the G7 termination date (11.59pm on 15th June 2021) (article 1(2)).

The Order will temporarily extend the harbour limits to the additional area (defined in article 2). The Council will temporarily become the harbour authority for the additional area for the G7 period (defined in article 2).

The St. Ives Harbour Act and Orders 1853 to 1993, excluding powers to dredge, will apply to the additional area during the G7 period (article 3(1)).

A signed map showing the additional area referred to in article 2 may be inspected during working hours at the office of the Cornwall Council, County Hall, Treyew Road, Truro, TR1 3AY.

During the G7 period, additional and more intense activity (including in respect of vessels) is anticipated in the harbour and the additional area. The Order confers on the Council as harbour authority for St. Ives Harbour and the harbour master powers of general and special direction for the regulation and management of the harbour and the additional area (articles 6 to 12). The Council may give general directions between 7th June 2021 (the G7 commencement date) and 11:59pm on 15th June 2021 (the G7 termination date).

Any general directions and special directions made under this Order will also cease to have effect on the G7 termination date. A register of all in force general directions may be inspected during working hours at the harbour office of the Council (Harbour Office, Smeatons Pier, St. Ives, TR26 1LP) and online at www.cornwallharbours.co.uk (article 6 (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 10(1)). A defence of due diligence is available to a person charged under article 10 (article 10(2)).

The Council may also nominate persons (existing sworn police officers) enabling a justice of the peace to appoint them to act as constables within the harbour police area (article 13). This will include the harbour, the additional area and any place within one mile of those areas (article 2). This will apply for all or part of the G7 period. Once appointed, a constable operating within the harbour police area will have all the powers and privileges of a constable.

A full impact assessment has not been prepared for this instrument as no, or no significant, impact is 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.

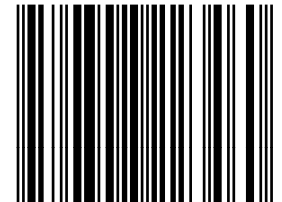
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