
EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made on the application of Cornwall Council relates to the ports and harbours of Bude, Newquay, Penryn, Penzance, Prince of Wales Pier (in Falmouth), St Ives and Truro. It modernises and consolidates the statutory harbour powers applying in relation to all seven harbours, so that they will all be governed by Cornwall Council under the Order. The Order provides for:

(1) The jurisdiction (article 4 and Schedule 1) and general functions (article 5) of the Council as the statutory harbour authority for the harbours including plans of the harbours (including 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 Cornwall Council, New County Hall, Treyew Road, Truro TR1 3AY. The plans are also available electronically on the Council's harbours website at www.cornwallharbours.co.uk.

(2) Establishing the constitution and governance arrangements of the Cornwall Harbours Board (articles 6 to 12 and Schedule 2).

(3) The establishment of one or more advisory bodies consisting of harbour stakeholders with which the Council are required to consult on material matters (article 13).

(4) Powers to vest in the Council relating to application of finances (article 14), establishment of the Port of Truro Reserve Fund, Port of Penryn Reserve Fund and a General Reserve Fund (articles 15 to 17), as well as borrowing powers (article 18).

(5) Powers relating to works including a power to dredge, moorings, aids to navigation, repair of landing places, works and dredging licensing and penalties for obstruction of works (articles 19 to 26 and 50 to 53).

(6) Modernised powers of management and control of the harbours to vest in the Council including provisions relating to parking places (article 27), removal of vehicles and vessels (article 28), and byelaws (articles 29 to 30 and Schedule 3).

(7) Powers of general direction for the Council and special direction for the harbour master (defined in article 2) for the regulation and management of the harbour (articles 31 to 36). A register of all in force general directions may be inspected during office hours at the relevant harbour office of the Council (article 31). 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 35). A defence of due diligence is available to a person charged under article 35 (article 35(2)).

(8) A modern suite of charging powers (articles 39 to 49) including exemptions from harbour dues (article 47) and prevention of sailing of vessels (article 49).

(9) Powers relating to development of land (article 54), power to grant tenancies and dispose of land (article 55), power to appropriate lands and works for particular uses, etc. (article 56), other commercial activities (article 57), and power to delegate functions (article 58).

(10) Powers relating to bunkering (article 59), disposal of wrecks (article 60), unseaworthy vessels (article 61), removal of obstructions other than vessels (article 62), boarding of vessels or vehicles (article 63) and notices (article 64).

(11) Saving for Trinity House (article 65) and Crown Rights (article 66).

(12) To facilitate the above, the Order repeals and revokes the Acts and Orders set out in Schedule 4 and amends the St Ives (Pilotage) Harbour Revision Order 1988 (S.I. 1988/1500), the

Status: This is the original version (as it was originally made).

Penzance and Newlyn (Pilotage) Harbour Revision Order 1988 (S.I. 1988/1495) and the Stratton and Bude Improvement Act 1901 (1 Edw. 7. Ch. cclvii) (articles 67 and 68).

(13) Article 2(1) and Schedule 5 make clear that the “undertaking” means the undertaking for the time being of the Council relating to any or all of the harbours as authorised by this Order and the Acts and Orders listed in Schedule 5 (to the extent that those Acts and Orders relate to the harbours or any one of them).

(14) 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 together with a copy of the harbour limits plans is available alongside the instrument on the UK legislation website at www.legislation.gov.uk.