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STATUTORY INSTRUMENTS

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**2023 No. 690**

**The Dee Estuary Conservancy  
Harbour Revision (No. 2) Order 2023**

**PART 1**

**PRELIMINARY**

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

**3.—(1)** The 1847 Act (except sections 6 to 25, 28, 31, 32, 35, 42, 48 to 50, 60, 67, and 83 to 90), so far as applicable to the purposes of this Order, is incorporated with this Order subject to the modifications stated in paragraphs (2) to (4).

(2) Section 63 (penalty on vessels lying near the entrance of harbour or dock without permission) has 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 is liable on summary conviction to a fine not exceeding level 3 on the standard scale”.

(3) Section 69 (removal of combustible matter on quay, dock or wharf) has effect subject to the modification that for the words from “shall forfeit” to the end of the section there are substituted the words “is liable on summary conviction to a fine not exceeding level 4 on the standard scale”.

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

(a) the expression—

(i) “the special Act” means this Order,

(ii) “the undertakers” means the conservancy authority, and

(iii) “the harbour, dock, or pier” means the estuary;

(b) for the definition of the word “owner” in section 3 of the 1847 Act there is substituted the definition of that word in article 2(1);

(c) for the definition of the word “vessel” in section 3 of the 1847 Act there is substituted the definition of that word in article 2(1); and

(d) the reference in section 53 of the 1847 Act to notice of a direction by the harbour master served upon a vessel is not to 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.