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STATUTORY INSTRUMENTS

2023 No. 690

HARBOURS, DOCKS, PIERS AND FERRIES

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

Made - - - - *21st June 2023*

Coming into force - - *12th July 2023*

The Natural Resources Body for Wales is the conservancy authority, harbour authority and local lighthouse authority for the estuary of the river Dee(1) and has applied for a harbour revision order in accordance with section 14 of the Harbours Act 1964(2) (“the 1964 Act”).

There were objections made to the application which were not withdrawn, and an inquiry was held in accordance with paragraph 18(1) of Schedule 3 to the 1964 Act(3).

The Secretary of State has considered the objections made and not withdrawn and the report of the person holding the inquiry.

The Secretary of State is satisfied as mentioned in section 14(2)(b) of the 1964 Act.

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- (1) The functions of conservancy authority and harbour authority were conferred on the Dee Conservancy Board by sections 35 and 36 of the Dee Conservancy Act 1889 (c. clvi) and subsequently transferred to the River Dee Catchment Board. That Board was, by virtue of the Rivers Dee and Clwyd Catchment Area Order 1946 (S.I. 1946/1036) combined with the River Clwyd Catchment Board to form the Rivers Dee and Clwyd Catchment Board; this was replaced by the Dee and Clwyd River Board by virtue of the Dee and Clwyd River Board Constitution Order 1950 (S.I. 1950/1085) and, in turn, by the Dee and Clwyd River Authority by virtue of the Dee and Clwyd River Authority Constitution Order 1964 (S.I. 1964/1015). Section 2 of the Water Act 1973 (c. 37) transferred the functions of the said River Authority to the Welsh National Water Development Authority and section 142 of the Water Act 1989 (c. 15) transferred that Authority’s functions of a conservancy authority to the National Rivers Authority. Those functions were subsequently transferred to the Environment Agency by virtue of section 2(1)(a)(vi) of the Environment Act 1995 (c. 25). In relation to the functions of local lighthouse authority for the Dee Estuary, section 193(2) of the Merchant Shipping Act 1995 (c. 21) had the effect of conferring those functions on the National Rivers Authority as the then statutory harbour authority before they were vested in the Environment Agency, as mentioned above. The Natural Resources Body for Wales, whose head office address is located at Cambria House, 29 Newport Road, Cardiff CF24 0TP (www.naturalresources.wales), was established by the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903 (W.230)) and the above-mentioned functions of the Environment Agency were transferred to that Body by virtue of the Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755 (W.90)). Mostyn Docks Limited is, however, the harbour authority for that part of the river Dee Estuary described in the Mostyn Docks Orders 1988 to 2016 (see the Mostyn Docks Harbour Revision Order 2016 (S.I. 2016/75)).
- (2) 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 (8), 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(1) 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).
- (3) Schedule 3, paragraph 18(1) was amended by the Marine and Coastal Access Act 2009 (c. 23), Schedule 21, paragraph 5(1) and (2).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

The Secretary of State for Transport, being the appropriate Minister⁽⁴⁾ under section 14(7) of the 1964 Act, in exercise of the powers conferred by section 14(1), (2A) and (3) of the 1964 Act and now vested in the Secretary of State for Transport⁽⁵⁾, makes the following Order.

(4) For the definition of “the minister” as mentioned in section 14(7), see section 57(1) of the 1964 Act (c. 40).
(5) S.I. 1981/238, 1997/2971, 2001/2568, 2002/2626 and 2008/1034.