EXPLANATORY MEMORANDUM TO

THE BLYTH (EXTENSION OF LIMITS) HARBOUR REVISION ORDER 2025

2025 No. 563

1. Introduction

1.1 This explanatory memorandum has been prepared by the Marine Management Organisation ("the MMO") and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Michelle Willis, acting Chief Executive Officer at the MMO can confirm that this Explanatory Memorandum meets the required standard.

2.2 Trudi Wakelin, Director of Marine Development (Domestic and International) at the MMO can confirm that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 David Morris at the MMO can be contacted with any queries regarding this instrument. Address: Lancaster House, Hampshire Court, Newcastle upon Tyne NE4 7YH. Telephone: 0208 026 5175. Email: harbourorders@marinemanagement.org.uk.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 The purpose of this instrument is to extend the limits of the Blyth Harbour ("the Harbour") area within which Blyth Harbour Commissioners ("the Commissioners") can exercise jurisdiction as the Statutory Harbour Authority ("the SHA"). The amended limits include the newly constructed Ash Barge Dock ("the Dock"), shown on the signed map annexed to this instrument.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England only.

5. Policy Context

What is being done and why?

5.1 The Dock was constructed by Advance Northumberland (Commercial) Limited for the Northumberland Energy Park Project ("the Project"). Phase 1 of the Project involved the creation of a new deep-water dock, which is set back into the existing riverbank.

5.2 This instrument extends the existing limits of the Harbour, within which the Commissioners exercise their jurisdiction as SHA to include the Dock (outlined with a red line on the signed map annexed to this instrument).

5.3 The Port Marine Safety Code ("PMSC") published by the Department for Transport sets out a national standard for all current aspects of port marine safety. The PMSC is available to view online[1] and a hard copy of the PMSC is available for inspection on application to the Department for Transport Ports and Shipping Team, 4th Floor, Zone 4, Great Minster House, 33 Horseferry Road, London SW1P 4DR.

5.4 The PMSC identifies a number of tasks which harbour authorities should undertake in order to comply with the PMSC, including reviewing and being aware of existing powers based on local and national legislation. It advises that harbour authorities should seek additional powers if the existing powers are insufficient to meet their obligations to provide safe navigation. In particular paragraph 2.5 of the PMSC states that:

"… harbour authorities would be well advised to secure powers of general direction or harbour direction to support the effective management of vessels in their harbour waters if they do not have them already".

5.5 As a result of the Dock's development and operation the Commissioners reviewed their existing Harbour limits and powers in accordance with its duties under the PMSC and identified the need to extend both the Harbour's existing limits and its jurisdiction as SHA to cover this new deep-water dock. This ensures the Commissioners' continued ability to meet their obligations to effectively manage vessels in the Harbour.

5.6 In determining applications for Harbour Revision Orders, the MMO must have regard to the relevant marine plan, in accordance with Section 58(3) (decisions affected by marine policy documents) of the Marine and Coastal Access Act 2009 (c.23). The North East Marine Plan ("the Marine Plan") was considered as the appropriate marine policy when making a determination on this application. The Marine Plan is available to view online[2] and a hard copy of the Marine Plan is available for inspection on application to the Marine Management Organisation, Lancaster House, Hampshire Court, Newcastle upon Tyne NE4 7YH.

5.7 The MMO's assessment of the application in relation to the policies of the Marine Plan, and conclusion that this application is compliant with the Marine Plan, is available to view on the Harbour Orders public register[3].

What was the previous policy, how is this different?

5.8 There have been no changes to existing policy. This instrument is necessary to ensure continued compliance of the Harbour with existing policy.

6. Legislative and Legal Context

How has the law changed?

6.1 The Commissioners applied to the MMO on 14th September 2022 for The Blyth (Extension of Limits) Harbour Revision Order 2025.

6.2 The responsibility for the consideration of the application, and the making of any order, passed to the MMO by virtue of the Harbours Act 1964 (Delegation of Functions) Order 2010 (S.I. 2010/674) which delegated the Secretary of State's

[1] Port Marine Safety Code: www.gov.uk/government/publications/port-marine-safety-code.
[2] MMO North East Marine Plan: www.gov.uk/government/collections/north-east-marine-plan.
[3] MMO Harbour Orders Public Register: www.gov.uk/government/publications/blyth-harbour-revision-order.

functions under Section 14 of the Harbours Act 1964 (c.40) ("the Act") to the MMO except in relation to specified applications.

6.3 The limits of the Harbour and the powers of the Commissioners are defined in the Blyth Harbour Act 1986 as set out in article 3 of this instrument.

6.4 This instrument brings the newly constructed Dock within the jurisdiction of the Commissioners, allowing vessels using the Dock to be managed by the Commissioners.

Why was this approach taken to change the law?

6.5 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 In accordance with paragraph 10(1) of Schedule 3 to the Act, a notice was placed in the London Gazette on 9th June 2023, as well as in the News Post Leader on 9th June 2023 and on 16th June 2023 detailing the application for the instrument and how any objections or representations may be registered. The application for the instrument and all associated documents were made available for inspection at the Harbour's office and the MMO's office, by prior appointment. The documents were also published on the MMO's website[4].

7.2 The MMO also consulted by email other such organisations it considered to have interest in the instrument. Full details of the consultation and a list of those organisations consulted are set out in the MMO's published decision letter, available to view online[5]. A hard copy of the decision letter is available for inspection on application to the Marine Management Organisation, Lancaster House, Hampshire Court, Newcastle upon Tyne NE4 7YH.

7.3 The consultation ran from 9th June 2023 to 20th July 2023, the statutory period of forty-two days provided for in Schedule 3 to the Act.

7.4 No objections to the instrument were received within the statutory period of forty-two days.

7.5 The MMO considered the responses submitted by the organisations consulted, the Commissioners' responses and the information supplied in the formal application in its determination of this instrument. The MMO was satisfied that the making of the instrument is desirable in the interests of securing an extension to the Harbour limits.

8. Applicable Guidance

8.1 The MMO does not propose to issue guidance on the effects of this instrument. However, the Commissioners will publish particulars of this instrument in accordance with paragraph 24 of Schedule 3 to the Act.

[4] MMO Harbour Orders Public Register: www.gov.uk/government/publications/blyth-harbour-revision-order.
[5] Ibid.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because the instrument is likely to have low level impact on businesses. This is because the purpose of the instrument is to extend the jurisdiction of the Commissioners to ensure that all parts of the Harbour can be effectively managed by the Commissioners. This instrument relates to maintenance of existing regulatory standards.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because the purpose of the instrument is to extend the jurisdiction of Commissioners to the newly constructed Dock.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector as the instrument extends the limits of the Harbour and the jurisdiction of Commissioners to the newly constructed Dock.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The MMO will not actively monitor or review effects of this legislation, but it will consider any representations received and will take these into account in the future exercise of its powers.

10.2 This instrument does not include a statutory review clause. The Commissioners in their management of the Harbour are required to conduct reviews of their existing powers to ensure they meet their obligations in accordance with PMSC and where necessary to seek additional powers to meet their obligations.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 and does not relate to the withdrawal of the United Kingdom from the European Union.