STATUTORY INSTRUMENTS

2025 No. 390

HARBOURS, DOCKS, PIERS AND FERRIES

The Cattewater Harbour Revision Order 2025

Made - - - -	*25th March 2025*
Laid before Parliament	*27th March 2025*
Coming into force	*17th April 2025*

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Cattewater Harbour Commissioners have applied for a harbour revision order in accordance with section 14(2)(a) of the Harbours Act 1964(**a**) ("the Act").

The Secretary of State, as the appropriate Minister for the purposes of that section, 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 and extent

1.—(1) This Order may be cited as the Cattewater Harbour Revision Order 2025 and comes into force on 17th April 2025.

(2) The 1915 Order, the Cattewater Harbour Order 1925(**f**), the 1950 Order, the 2005 Order and this Order may be cited together as the Cattewater Harbour Orders 1915 to 2025.

(3) This Order extends to England and Wales.

(**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**) Confirmed by 15 & 16 Geo. 5 Ch. lxxiii.

Interpretation

2. In this Order—

"the 1915 Order" means the Cattewater Harbour Order 1915(**a**);

"the 1950 Order" means the Cattewater Harbour Order 1950(**b**);

"the 2005 Order" means the Cattewater Harbour Revision (Constitution) Order 2005(**c**);

"ashore" means all those parts of the harbour which are not within the wet harbour area;

"Cattewater Harbour User Group" means the consultative body or bodies established by the Commissioners in accordance with the requirements of article 17 (advisory bodies) of the 2005 Order;

"the Commissioners" means the Cattewater Harbour Commissioners;

"general direction" means a direction given under article 4 (power to make general directions as to the use of the harbour, etc.);

"harbour" means Cattewater Harbour the limits of which are described in article 17(**d**) of the 1915 Order (limits of harbour);

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

"harbour operations" includes—

(a) the marking, lighting or dredging of the harbour or any part thereof;

(b) the berthing, mooring, dry docking or storage of a vessel;

(c) the laying and maintenance of moorings or other similar apparatus in the harbour;

(d) the warehousing, sorting, weighing or handling of goods;

(e) the movement of goods and vehicles (including parking, designated and prohibited areas, speed limits and removal from the harbour);

(f) the towing, or moving of a vessel;

(g) the loading or unloading of goods, or embarking or disembarking of passengers;

(h) energy generation or storage;

(i) the control of use of the harbour by members of the public and other third parties (including movement, conduct, authorised activities and designated and prohibited areas) but not so as to cause an interference with any public right of way;

"harbour premises" means land adjacent to the wet harbour area for the time being vested in, or occupied or administered by the Commissioners as part of the harbour undertaking and occupied wholly or mainly for the purpose of activities there carried on, which may include docks, quays, piers, wharves, berths, locks, breakwaters, landing places, yards, roads, sheds, car parks, other buildings and all other works and conveniences, land and premises;

"harbour revenue" means and includes all moneys receivable by the Commissioners for and in relation to the harbour undertaking other than borrowed moneys and moneys which ought to be carried to capital account;

"harbour undertaking" means the undertaking for the time being of the Commissioners;

"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;

(**a**) Confirmed by 5 & 6 Geo. 5 Ch. xcix.
(**b**) See 14 Geo. 6 Ch. xxxvi.
(**c**) S.I. 2005/2932.
(**d**) As amended by article 23 of the 1950 Order, section 29(3) of the Plymouth Marine Events Base Act 1985 (c. xxv), and article 3(3) of this Order.

"King's Harbour Master" means any person appointed as such under the Dockyard Ports Regulation Act 1865(**a**) to be the King's harbour master for the Dockyard Port of Plymouth, and includes the duly authorised deputies and assistants of the King's harbour master and any other person for the time being authorised to act, either generally or for a specific purpose, in the capacity of the King's harbour master;

"the level of low water" means the level of mean low 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;

"special direction" means a direction given under article 7 (special directions);

"Trinity House" means the Corporation of Trinity House of Deptford Strond(**b**);

"vehicle" includes any vehicle propelled on rails, any machinery on wheels or caterpillar tracks, trailers, caravans, bicycles, and mobile homes and includes a hovercraft or any other amphibious vehicle;

"vessel" includes a ship(**c**), boat, houseboat, raft or craft of any description, however propelled or moved, and includes non-displacement craft, watercraft, a hydrofoil vessel, or any other amphibious vehicle and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily);

"watercraft" means any type of craft which—

(a) is capable of moving under its own mechanical power;

(b) is used, navigated or situated wholly or partially in or on water; and

(c) is capable of being used to carry one or more persons,

but does not include a ship or fishing vessel within the meanings given in section 313(1) of the Merchant Shipping Act 1995(**d**);

"wet harbour area" means those parts of the harbour which are covered by water at the level of low water.

PART 2

HARBOUR LIMITS

Extension of the harbour limits to include the harbour premises

3.—(1) The 1915 Order is amended as follows.

(2) In article 3 (interpretation) after the definition of "The harbour" insert the following definitions—

""harbour premises" means land adjacent to the wet harbour area for the time being vested in, or occupied or administered by the Commissioners as part of the harbour undertaking and occupied wholly or mainly for the purpose of activities there carried on, which may include docks, quays, piers, wharves, berths, locks, breakwaters, landing places, yards, roads, sheds, car parks, other buildings and all other works and conveniences, land and premises;

"the level of low water" means the level of mean low water spring tides;

"wet harbour area" means those parts of the area described in article 17 (limits of harbour) which are covered by water at the level of low water;".

(**a**) 28 & 29 Vict. Ch. 125.
(**b**) The Corporation of Trinity House, Tower Hill, London EC3N 4DH.
(**c**) As defined in section 57 (interpretation) of the Harbours Act 1964 (c. 40).
(**d**) 1995 c. 21.

(3) In article 17 (limits of harbour) after "point on the seashore first mentioned" insert ", and the extent of the harbour premises not within that area".

(4) The Commissioners must keep and make available for inspection at the harbour office and on the harbour website from the day on which this Order comes into force, illustrative plans(**a**).

(5) The Commissioners must update the illustrative plans to reflect any alterations to the extent of the harbour premises within the period of 30 days beginning with the day on which the alterations are made.

(6) In this article "illustrative plans" means the plans showing, for illustrative purposes only, the harbour as described in article 17(**b**) of the 1915 Order (limits of harbour).

PART 3

GENERAL DIRECTIONS AND SPECIAL DIRECTIONS

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

4.—(1) The Commissioners may, in accordance with the requirements of article 5 (procedure for giving, amending or revoking general directions), give a general direction for—

(a) the ease, convenience or safety of navigation;

(b) the safety of persons;

(c) the protection of property, flora or fauna;

(d) the ease, convenience or safety of harbour operations ashore,

within the harbour.

(2) A direction under this article may apply—

(a) to all vessels or to a class of vessels;

(b) to all vehicles or to a class of vehicle;

(c) to persons designated in the direction;

(d) to the whole of the harbour or to a part;

(e) 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), (d) and (e).

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

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

Procedure for giving, amending or revoking general directions

5.—(1) Subject to paragraph (7), if the Commissioners propose to give, amend or revoke a general direction, they 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 King's Harbour Master,

(ii) the Chamber of Shipping,

(**a**) The illustrative plans may be inspected during office hours at the harbour office at 2, The Barbican, Plymouth, Devon PL1 2LR and are available on www.plymouthport.org.uk/.

(**b**) As amended by article 3(3) of this Order.

(**c**) The public register of all in force general directions may be inspected during office hours at the harbour office located at 2, The Barbican, Plymouth, Devon PL1 2LR and available on www.plymouthport.org.uk/.

(iii) the Royal Yachting Association,

(iv) the Cattewater Harbour User Group, and

(v) such other persons as they consider appropriate for the purposes of the application of this provision,

(b) place a notice of the proposal on the harbour website and in prominent locations at the harbour on the same date as the notice given in accordance with sub-paragraph (a) and keep that notice on display for a minimum of six weeks;

(c) consult with the designated consultees upon the proposal and allow a period of not less than six 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 Commissioners 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 Commissioners propose to proceed with the proposal and, if so, specifying whether they are making any modifications to the proposal and their reasons for so doing; and

(f) if the Commissioners propose 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 Commissioners may specify.

(2) Where the Commissioners have complied with paragraph (1), they 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 Commissioners 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 Commissioners 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 any of the parties,

(b) so far as is reasonably practicable within 12 weeks beginning with the date of the referral, the adjudicator must—

(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,

(c) the Commissioners must decide whether to exercise the power to give, amend or revoke the general direction having regard to the adjudicator's report (but they are not bound to give effect to any recommendations) and, once they have decided, must give notice in writing to the designated consultees and to any other person that provided a consultation response of their 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 Commissioners wish 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), they 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 Commissioners propose to give or amend a general direction—

(a) in an emergency; or

(b) relating to an intended activity or operation within the harbour if—

(i) the intended activity or operation is expected to commence within 16 weeks of the Commissioners having been notified or otherwise becoming aware of the intended activity or operation,

(ii) the intended activity or operation is to last less than 28 days, and

(iii) the Commissioners consider that the giving or amending of a general direction in relation to the intended activity or operation is required, taking into account other activities or operations in the harbour which may be affected.

(8) Where the Commissioners proceed to give or amend a general direction in accordance with paragraph (7), they 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,

(ii) in paragraph (1)(c), for "sub-paragraphs (a) and (b)" substitute "paragraph (8)(a)", and

(iii) a reference to the Commissioners 'proceeding' with a proposal is to be read as a reference to the Commissioners determining that the direction or amendment should remain in force.

Publication of general directions

6.—(1) Subject to paragraph (4), the Commissioners 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 electronically on the harbour website for the period of 28 days from the date of publication of the notice in the newspaper.

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

(3) The Commissioners must display notices of general directions that apply to the harbour premises at prominent locations within the harbour.

(4) In an emergency, the Commissioners may give notice of the giving, amendment or revocation of a general direction in any manner which they consider to be appropriate.

Special directions

7.—(1) The harbour master may give a special direction in respect of a vessel anywhere in the harbour 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, extinguishing or restricting the use of fires or lights;

(f) regulating the use and discharge of ballast;

(g) requiring the removal of the vessel from any part of the harbour 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 (including wildlife) 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,

(iv) needs to be removed to enable maintenance or repair work to be carried out to the harbour,

(h) requiring the vessel be removed to a place outside the harbour if such removal is considered by the harbour master to be necessary in order to avoid danger to life (including wildlife) or to property.

(2) A special direction relating to a vessel must specify a particular person to whom the direction is addressed, either by name or by a description sufficient to enable the person in question to be identified.

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

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

Failure to comply with directions

8.—(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 special directions

9.—(1) Without limitation to any other remedy available to the Commissioners, 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) If there is no one on board the vessel to comply with a special direction and, after reasonable inquiry has been made, the master cannot be found, the harbour master may proceed as if the direction had been given and not complied with.

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

Master's responsibility in relation to directions

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

Saving for existing directions, byelaws etc.

11. Any harbour direction, general direction, special direction, byelaw, regulation, licence, lease, consent or other agreement made, issued, entered into or granted by the Commissioners in relation to the harbour undertaking and in force immediately on or before the date on which this Order comes into force, notwithstanding the amendments set out in articles 3 (extension of the harbour limits to include the harbour premises), 17 (amendment of the 1915 Order), 18 (amendment of the 1950 Order) and 19 (amendment of the 2005 Order), continues to have effect.

Saving for directions of the King's Harbour Master and regulations applying to the Dockyard Port of Plymouth

12. In the event of conflict between a special direction given by the harbour master or a general direction given by the Commissioners and a direction given by the King's Harbour Master or other regulation applying to the Dockyard Port of Plymouth, the direction of the King's Harbour Master or the regulation as appropriate prevails.

PART 4

MISCELLANEOUS

Power to lay moorings

13.—(1) The Commissioners may provide, place, lay down, maintain, retain, renew, use or remove such moorings in the harbour as they consider necessary or desirable for the convenience of vessels—

(a) on land owned or leased by them; and

(b) with the consent in writing of the owner and any lessee thereof, on any other land in the harbour.

(2) The Commissioners may make reasonable charges in respect of any vessel using any moorings provided under this article.

(3) In this article and articles 14 (licensing of moorings) and 15 (offences as to moorings etc.), "mooring" includes any buoy, pile, post, chain, pillar, pontoon or like apparatus or convenience used or capable of being used for the mooring of vessels.

Licensing of moorings

14.—(1) The Commissioners may grant a licence to any person to place, lay down, maintain, retain, renew and use moorings for vessels in the harbour.

(2) A licence—

(a) may be granted for such period and on such terms and conditions as the Commissioners think fit;

(b) may relate to one mooring, or to several moorings.

(3) The Commissioners may make reasonable charges for the grant of a licence under this article.

(4) In respect of moorings already lawfully laid down in the harbour at the date this Order comes into force, a licence under paragraph (1) must be obtained by the owner or user of the mooring within 12 weeks of that date.

Offences as to moorings etc.

15.—(1) A person is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale if that person—

(a) intentionally obstructs any person acting under the authority of the Commissioners in setting out moorings in the harbour;

(b) intentionally and without lawful authority pulls up or removes any mooring or any part of any mooring in the harbour;

(c) places, lays downs, maintains, retains or renews any mooring not provided under article 13 (power to lay moorings) or licensed under article 14 (licensing of moorings);

(d) without reasonable excuse causes or permits a vessel to be moored in the harbour except at a mooring provided under article 13 (power to lay moorings) or licensed under article 14 (licensing of moorings) or at a quay, jetty or other work provided for the mooring of vessels;

(e) without reasonable excuse causes or permits a vessel to be moored at a mooring provided under article 13 (power to lay moorings) or licensed under article 14 (licensing of moorings) which the person concerned is not entitled to use.

(2) If any person commits an offence under paragraph (1)(c) the Commissioners may remove the mooring in question and recover from that person the expenses incurred in doing so as a debt.

(3) Subject to paragraph (6), if any person commits an offence under paragraph (1)(d) or (1)(e) the Commissioners may—

(a) remove the vessel, including any tackle with the vessel;

(b) sell or otherwise dispose of the vessel and tackle; and

(c) recover out of the proceeds of sale—

(i) any unpaid charge payable under article 13 (power to lay moorings),

(ii) any unpaid licence fee payable under article 14 (licensing of moorings), and

(iii) the expenses of removal and disposal under this paragraph.

(4) If the proceeds of sale under paragraph (3)(b) are sufficient to allow the Commissioners to recover all amounts permitted by paragraph (3)(c), the Commissioners must hold any surplus proceeds of sale on trust for the owner.

(5) If the proceeds of sale under paragraph (3)(b) are insufficient to allow the Commissioners to recover all amounts permitted by paragraph (3)(c), or there is no sale of the vessel, the Commissioners may recover the amounts referred to in paragraph (3)(c) net of any proceeds of sale from the owner as a debt.

(6) The Commissioners must not exercise their power to remove a vessel under paragraph (3) unless—

(a) they have given to the owner seven clear days' notice in writing of their intention to do so; or

(b) it is an emergency.

(7) Where paragraph (6)(b) applies, the Commissioners must notify the owner that they have removed the vessel as soon as reasonably practicable afterwards.

Borrowing

16.—(1) The Commissioners may, for the purposes of the harbour undertaking, borrow upon the security of all or any of the harbour revenue and property and by any method or methods which they see fit such sums of money as they consider necessary.

(2) Moneys borrowed under paragraph (1) may be applied only to purposes to which capital money is properly applicable.

(3) Without limiting the scope of paragraph (2) purposes to which capital money is properly applicable are deemed to include—

(a) any major works of repair or maintenance of any part of the works forming part of the harbour undertaking;

(b) the payment of any interest falling due within the five years immediately following the date of the borrowing of any sum of money borrowed by the Commissioners under this article;

(c) the repayment within 12 months from the date of borrowing of any sum for the time being outstanding by way of principle on any amount previously borrowed;

(d) a payment relating to pensions paid or to be paid to past or present employees of the Commissioners whose employment related to the harbour undertaking or to the family or dependants of such persons.

Amendment of the 1915 Order

17.—(1) The 1915 Order is amended as follows.

(2) Omit article 70 (provision respecting lighters employed at Orestone works).

Amendment of the 1950 Order

18.—(1) The 1950 Order is amended as follows.

(2) In the First Schedule, Part V, Exemption for "and also all cargoes of such vessels unless shipped or unshipped in Cattewater Harbour shall be exempt from rates under this Order." substitute "are exempt from rates under this Order except in relation to all cargoes of such vessels shipped or unshipped in Cattewater Harbour or all passengers embarked or disembarked in Cattewater Harbour.".

Amendment of the 2005 Order

19.—(1) The 2005 Order is amended as follows.

(2) At each place it occurs—

(a) for "chairman" substitute "chair";

(b) for "deputy chairman" substitute "deputy chair".

(3) Omit article 13 (borrowing powers).

(4) In Schedule 2 (provisions applying to the Commissioners)—

(a) in paragraph 13(1) omit "and, in the case of the chairman, from such of the Commissioners as have already served a full three year term";

(b) in paragraph 13(2)—

(i) for "one year" substitute "three years",

(ii) after "resigns" insert ", is removed in accordance with paragraph 16",

(c) after paragraph 15 insert—

"**Removal of the chair or deputy chair**

16. —(1) The Commissioners may by resolution remove the chair, the deputy chair, or both of them from their position as such.

(2) A resolution under this paragraph does not have the effect of removing the chair or the deputy chair from their office as a Commissioner, but this sub-paragraph is without prejudice to any resolution under article 10 (disqualification of commissioners) declaring their office as a Commissioner to be vacant.

(3) Following the removal of the chair, the deputy chair, or both of them under this paragraph, the Commissioners must elect a new chair, or deputy chair as appropriate in accordance with paragraph 13(1) of this Schedule.".

Notices

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

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

(3) Where a person on whom a notice or other document is to be served has agreed in writing that service may be by email, or other electronic means, the Commissioners may provide notices by that means until such time as the person informs them 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**) (references to service by post) as it applies for the purposes of this article, the proper address of a person in relation to the service on them 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;

(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 served 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 served 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,

(b) in the case of a notice or document relating to a vessel (including a wreck), it may be served 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 served in accordance with sub-paragraph (b) it may be served by displaying it at the harbour office for the period of its duration.

PART 5

SAVINGS

Saving for Trinity House

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

Saving for King's Harbour Master

22. Nothing in this Order takes away, alters, prejudices or affects the jurisdiction or any rights, powers, authorities or privileges of the King's Harbour Master.

(**a**) 1978 c. 30.

Crown Rights

23.—(1) Nothing in this Order—

(a) prejudicially affects any estate right, power, privilege, authority or exemption of the Crown;

(b) authorises the Commissioners 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) His Majesty in right of the Crown and under the management of the Crown Estate Commissioners without the prior consent in writing of the Crown Estate Commissioners,

(ii) a government department or held in trust for His 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.

Signed by authority of the Marine Management Organisation

Michelle Willis
Acting Chief Executive Officer
Date An authorised employee of the Marine Management Organisation

EXPLANATORY NOTE

(This note is not part of the Order)

This Order empowers the Cattewater Harbour Commissioners ("the Commissioners") as harbour authority for Cattewater Harbour (Port of Plymouth) to extend the limits of the harbour to include the harbour premises (article 3). The illustrative plans (defined in article 3) showing the harbour limits and harbour premises may be inspected during office hours at the harbour office at 2, The Barbican, Plymouth, Devon PL1 2LR and on the harbour website (www.plymouthport.org.uk/).

This Order confers on the Commissioners and the harbour master (defined in article 2) powers of general and special direction for the regulation and management of the harbour (articles 4 to 10).

The powers of general direction are extended to include the regulation of vehicles in the harbour and provision is made for a register of all in force general directions which may be inspected during office hours at the harbour office and on the harbour website (article 4).

This Order creates an offence of failing to comply with general directions or special directions, the penalty for which is a fine on summary conviction not exceeding level 4 on the standard scale (article 8).

A defence of due diligence is available to a person charged under article 8 (article 8(2)).

The Order also provides powers in relation to the laying and licensing of moorings in the harbour (articles 13 and 14) and related offences (article 15) and borrowing (article 16).

The Order also amends the 1915 Order to revoke article 70 (provision respecting lighters employed at Orestone works) (article 17) and amends the 1950 Order to provide further clarity to the exemption relating to vessels and cargo dues contained in the First Schedule, Part V, Exemption by expressly stating the position with regard to passenger dues (article 18). In addition, the Order amends Schedule 2 of the 2005 Order to alter provisions relating to the appointment, period of office and removal of the chair and deputy chair of the Commissioners (article 19).

In addition to the standard saving provisions for the Crown and Trinity House, the Order also contains two saving provisions relating to the Dockyard Port of Plymouth and the King's Harbour Master, making it clear that the regulations of the Dockyard Port of Plymouth and the directions of the King's Harbour Master have priority over those given by or made by the Commissioners or their harbour master, and do not in any other way alter, prejudice or affect the jurisdiction or any rights, powers, authorities or privileges of the King's Harbour Master (articles 12 and 22).

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 is available alongside the instrument on the UK legislation website, www.legislation.gov.uk.

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