STATUTORY INSTRUMENTS

2025 No. 705

HARBOURS, DOCKS, PIERS AND FERRIES

The Chichester Harbour Revision Order 2025

Made - - - -	*17th June 2025*
Laid before Parliament	*20th June 2025*
Coming into force	*11th July 2025*

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The Chichester Harbour Conservancy has 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 Chichester Harbour Revision Order 2025 and comes into force on 11th July 2025.

(2) This Order extends to England and Wales.

Interpretation

2. In this Order—

"the 1971 Act" means the Chichester Harbour Conservancy Act 1971(**f**);

"Advisory Committee" means the consultative body established by the Conservancy in accordance with the requirements of section 11 of the 1971 Act (Chichester Harbour Conservancy Advisory Committee);

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

"the Conservancy" means the Chichester Harbour Conservancy constituted by section 5 of the 1971 Act (constitution of conservancy);

"general direction" means a direction given under article 3 (power to make general directions as to the use of the harbour, etc.);

"harbour" means the harbour as defined in subsection (1) of section 3 of the 1971 Act (interpretation) the limits of which are described in section 82(**g**) of the 1971 Act (limits of harbour);

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

(**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(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).

(**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**) 1971 c. lxx.

(**g**) As amended by article 11 of this Order.

"harbour operations" include—

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

(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 vested in, occupied or administered (for the time being) by the Conservancy as part of the harbour undertaking and occupied wholly or mainly for the purposes 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 undertaking" means the undertaking of the Conservancy as set out in this Order and the 1971 Act;

"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;

"master" in relation to a vessel, means any person having or taking command, charge, management or conduct of the vessel;

"special direction" means a direction given under article 6 (special directions);

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

"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(**b**), boat, houseboat, raft or craft of any description, however propelled or moved, and includes non-displacement craft, watercraft, a hydrofoil vessel, or an 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(**c**);

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

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

PART 2

GENERAL DIRECTIONS AND SPECIAL DIRECTIONS

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

3.—(1) The Conservancy may, in accordance with the requirements of article 4 (procedure for giving, amending or revoking general directions), give a general direction for all or any of the following purposes—

(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 vessel;

(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 in relation to those matters.

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

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

Procedure for giving, amending or revoking general directions

4.—(1) Subject to paragraph (7), if the Conservancy proposes to give, amend or revoke a general direction, it 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 Chamber of Shipping,

(ii) the Royal Yachting Association,

(iii) the Advisory Committee, and

(iv) such other persons as it considers 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 notices 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 Conservancy regarding the proposal;

(d) have regard to all representations made during consultation;

(**a**) The public register of all in force general directions may be inspected during office hours at the harbour office located at Harbour Office, Itchenor, Chichester PO20 7AW.

(**b**) www.conservancy.co.uk.

(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 Conservancy proposes to proceed with the proposal and, if so, specifying whether it is making any modifications to the proposal and its reasons for so doing; and

(f) if the Conservancy proposes 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 from the date of the notice given in accordance with sub-paragraph (e), or such longer period as the Conservancy may specify.

(2) Where the Conservancy has complied with paragraph (1), it 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 Conservancy 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 Conservancy 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, and

(c) the Conservancy must decide whether to exercise the power to give, amend or revoke the general direction having regard to the adjudicator's report (but it is not bound to give effect to any recommendations) and, once it has decided, must give notice in writing to the designated consultees and to any other person that provided a consultation response of its 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 Conservancy wishes 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), it 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 Conservancy proposes 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 Conservancy 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 Conservancy considers 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 Conservancy proceeds to give or amend a general direction in accordance with paragraph (7), it 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 Conservancy 'proceeding' with a proposal is to be read as a reference to the Conservancy determining that the direction or amendment should remain in force.

Publication of general directions

5.—(1) Subject to paragraph (4), the Conservancy 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 Conservancy must display notices of general directions that apply to harbour premises at prominent locations within the harbour.

(4) In an emergency, the Conservancy may give notice of the giving or amendment of a general direction in any manner which it considers to be appropriate.

Special directions

6.—(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 to 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

7.—(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

8.—(1) Without limiting any other remedy available to the Conservancy, if a special direction is not complied with within a reasonable time, the harbour master may put persons on board the vessel subject to a special direction 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 Conservancy in the exercise of the powers conferred by paragraph (1) are recoverable by the Conservancy as if they were a charge of the Conservancy in respect of the vessel.

Master's responsibility in relation to directions

9. 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.

10. Any harbour direction, general direction, special direction, byelaw, regulation, licence, lease, consent or other agreement made, issued, entered into or granted by the Conservancy in relation to the harbour undertaking and in force immediately before or on the date on which this Order comes into force continues to have effect, notwithstanding the amendments set out in articles 11 (extension of the harbour limits to include the harbour premises) and 12 (further amendments of the 1971 Act).

PART 3

MISCELLANEOUS

Extension of the harbour limits to include the harbour premises

11.—(1) The 1971 Act is amended as follows—

(a) in section 3 (interpretation) in subsection (1)—

(i) in the appropriate places insert the following definitions—

""the harbour limits" means the limits of the harbour as specified in section 82 (limits of harbour) of this Act;";

""the harbour premises" means land adjacent to the wet harbour area vested in, or occupied or administered (for the time being) by the Conservancy as part of the undertaking and occupied wholly or mainly for the purposes 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;";

""wet harbour area" means those parts of the area described in section 82(a) (limits of harbour) of this Act which are covered by water at the level of mean low-water springs; ";

(ii) for the definition of "the harbour" substitute—

""the harbour" means Chichester Harbour being the area described in the harbour limits;".

(b) for section 82 (limits of harbour), substitute—

"**82.** The limits within which the Conservancy exercises jurisdiction as harbour authority comprise—

(a) the area lying within the outer edge of the line coloured red on the signed plan; and

(b) the extent of the harbour premises not within the area described in subsection (a).".

(2) The Conservancy must keep and make available for inspection at the harbour office and on the harbour website, the signed plan referred to in section 82(**a**) of the 1971 Act (limits of harbour) and additional illustrative plans(**b**).

(3) The Conservancy 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.

(4) In this article "illustrative plans" means plans showing, for illustrative purposes only, the harbour premises.

Further amendments of the 1971 Act

12.—(1) The 1971 Act is amended as follows.

(2) In section 3 (interpretation) in subsection (1)—

(a) in the appropriate place insert the following definition—

""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,

(**a**) As amended by this Order.

(**b**) The illustrative plans may be inspected during office hours at the harbour office at Harbour Office, Itchenor, Chichester PO20 7AW and via the harbour website at www.conservancy.co.uk.

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

(b) in the definition of "charges" for "charges payable to the Conservancy as harbour authority for the harbour" substitute "the charges, rates, tolls and dues which the Conservancy is authorised to demand, take and recover in relation to the undertaking".

(c) in the definition of "vessel" for "includes any vessel, ship, lighter, keel, barge, boat, raft, pontoon, hovercraft, hydrofoil vessel and craft of any kind howsoever navigated, propelled or moved" substitute "includes a ship, boat, raft or craft of any description, however propelled or moved, and includes non-displacement craft, watercraft, a hovercraft, a hydrofoil vessel, or an amphibious vehicle and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily)".

(3) For section 71 (power to make certain charges) substitute—

"Charges other than ship, passenger and goods dues and charges for services or facilities

71.—(1) The Conservancy may demand, take and recover in respect of any dracone or floating dock, crane, rig, drilling rig, or floating platform, houseboat, or any other vessel, not being a ship as defined in section 57(1) of the Harbours Act 1964 entering, using, within or leaving the harbour such reasonable charges, including in relation to any goods or passengers carried, as they may determine, and sections 30 (duty of harbour and local lighthouse authorities to make available for inspection, and to keep for sale, copies of lists of certain charges) and 31 (right of objection to ship, passenger and goods dues) of the Harbours Act 1964 apply, with all necessary modification, to the charges authorised by this article as they may apply to ship, passenger and goods dues demanded under section 26 of the Harbours Act 1964 (repeal of provisions limiting discretion of certain harbour authorities as to ship, passenger and goods dues charged by them).

(2) In addition to paragraph (1) and their power to demand ship, passenger and goods dues under section 26 of the Harbours Act 1964 (repeal of provisions limiting discretion of certain harbour authorities as to ship, passenger and goods dues charged by them), the Conservancy may demand, take and recover such reasonable charges for services and facilities provided by the Conservancy as they may determine.".

(4) In section 72 (harbour charges leviable in certain adjoining waters) for "may be navigated" substitute "could enter".

Notices

13.—(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 Conservancy may provide notices by that means until such time as the person informs it 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**) 1978 c. 30.

(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 and electronically on the harbour website for the period of its duration.

PART 4

SAVINGS

Saving for Trinity House

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

Crown Rights

15.—(1) Nothing in this Order—

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

(b) authorises the Conservancy 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 those 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
17th June 2025 An authorised employee of the Marine Management Organisation

EXPLANATORY NOTE

(This note is not part of the Order)

This Order empowers the Chichester Harbour Conservancy ("the Conservancy") as harbour authority for Chichester Harbour to extend the limits of the harbour to include the harbour premises (article 11). Illustrative plans (defined in article 11) showing the harbour limits (including the harbour premises) may be inspected during office hours at the harbour office of the Conservancy at the Harbour Office, Itchenor, Chichester PO20 7AW and on the harbour website (www.conservancy.co.uk).

This Order confers on the Conservancy and the harbour master (defined in article 2) powers of general direction and special direction for the regulation and management of the harbour (articles 3 to 9).

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 of the Conservancy (article 3) and on the harbour website.

This Order creates an offence of failing to comply with special directions or general directions, the penalty for which is a fine on summary conviction not exceeding level 4 on the standard scale (article 7).

A defence of due diligence is available to a person charged under article 7 (article 7).

The Order amends the definition of vessel contained in subsection (1) of section 3 (interpretation) of the Chichester Harbour Act 1971 (c. lxx) to modernise the definition of vessel contained within it so that it applies to all vessels. It also amends the charging power in section 71 (power to make certain charges) of the Chichester Harbour Act 1971 and removes a reference to 'navigated' in section 72 (harbour charges leviable in certain adjoining waters) of the Chichester Harbour Act 1971 (article 12).

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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