EXPLANATORY MEMORANDUM TO

THE DOVER HARBOUR REVISION ORDER 2014

2014 No. 2720

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

2. Purpose of the instrument

2.1 The purpose of this instrument is to confer further modernising powers on the Dover Harbour Board ("the Board") considered conducive to the efficient and economical operation, improvement, maintenance and management of Dover Harbour ("the Harbour").

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Context

4.1 The Board is the statutory harbour authority for the Harbour. It operates under Dover Harbour Acts and Orders 1954 to 2012.

4.2 The Board applied to the MMO on 3 June 2014 for the Dover Harbour Revision Order 2014 ("the Order") to be made under Section 14 of the Harbours Act 1964 ("the Act").

4.3 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 functions under Section 14 of the Act to the MMO except in relation to specified applications.

4.4 The proposed Order does not authorise a project for the purposes of Council Directive 85/337/EEC which is codified by Council Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment. Accordingly an environmental statement was not required to support the application.

5. Territorial Extent and Application

5.1 This instrument applies to England.

6. European Convention on Human Rights

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

7. Policy background

7.1 The Order confers modernising powers on the Board considered conducive to the efficient and economical operation, improvement, maintenance and management of the Harbour.

7.2 Specifically the Order authorises the development, lease and disposal of land, empowers the applicant to enter into joint ventures, undertake commercial activities, become a member of a company, delegate certain functions, borrow and lend monies, set up a reserve fund and create a community fund subject to the terms of the Order.

7.2 The additional powers would enable the Board to unlock the potential to further improve the Harbour and to engage in business opportunities led and managed by the Board. Revenue generated from those businesses would be used to improve and develop the Harbour which would also deliver tangible local benefits by maintaining and growing employment and other opportunities for the people of Dover.

7.3 The Order is consistent with the plan "to ensure an enduring solution in 3 areas: community involvement, commercial development and regeneration" set out in the speech given by Shipping and Ports Minister, Stephen Hammond on his visit to the Harbour on 9 April 2014.

8. Consultation outcome

8.1 In accordance with paragraph 10 of Schedule 3 to the Act a notice was placed in the London Gazette and in the Dover Express detailing the application for the Order and how any objections or representations may be registered. The MMO received one objection to the Order within the statutory period of forty-two days provided for in Schedule 3 of the Act.

9. Guidance

9.1 The MMO does not propose to issue guidance in respect of the effects of the Order. However, the Board will publish particulars, and serve copies, of the Order in accordance with paragraph 24 of Schedule 3 to the Act.

10. Impact

10.1 The MMO considers the impact on business, charities or voluntary bodies to be minor.

10.2 The impact on the public sector is nil.

10.3 An Impact Assessment has not been prepared for this instrument. The MMO considers the impacts to be minor.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 Whilst the MMO will not actively monitor the operation of the provisions introduced by the Order, it will consider any representations received in this respect and will take these into account in the future exercise of its powers.

13. Contact

13.1 Mark Kirby at the Marine Management Organisation email: Mark.Kirby@marinemanagement.org.uk