STATUTORY INSTRUMENTS

1975 No. 2207

HARBOURS, DOCKS, PIERS AND FERRIES

The Great Yarmouth Port and Haven Revision Order 1975

Made - - - -	18*th August* 1975
Laid before Parliament	6*th November* 1975
Coming into Operation	17*th December* 1975

The Secretary of State for the Environment in exercise of the powers conferred by section 14 of the Harbours Act 1964(**a**) and now vested in him(**b**) and of all other powers enabling him in that behalf and on the application of the Great Yarmouth Port and Haven Commissioners hereby makes the following Order:—

Citation and commencement

1.—(1) This Order may be cited as the Great Yarmouth Port and Haven Revision Order 1975 and shall come into operation on the date fixed in accordance with the provisions of the Statutory Orders (Special Procedure) Acts 1945 and 1965(**c**).

(2) The Great Yarmouth Port and Haven Acts and Orders 1866 to 1963, the Great Yarmouth Port and Haven (Revision of Charges) Order 1968(**d**), the Great Yarmouth Port and Haven (Byelaws) Order 1973(**e**), the Great Yarmouth Port and Haven (Revision of Charges) Order 1973(**f**) and this Order may be cited together as the Great Yarmouth Port and Haven Acts and Orders 1866 to 1975.

Interpretation

2.—(1) In this Order, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

"the Act of 1847" means the Harbours, Docks and Piers Clauses Act 1847(**g**);

(a) 1964 c. 40.
(b) S.I. 1970/1681 (1970 III, p. 5551).
(c) 9 & 10 Geo. 6 c. 18; 1965 c. 43.
(d) S.I. 1968/474.
(e) 1973/1465.
(f) 1973/1486.
(g) 1847 c. 27.

"the Act of 1948" means the Great Yarmouth Port and Haven Act 1948(a);

"the Act of 1951" means the Great Yarmouth Port and Haven Act 1951(b);

"the Act of 1963" means the Great Yarmouth Port and Haven Act 1963(c);

"the Commissioners" means the Great Yarmouth Port and Haven Commissioners;

"the existing Acts and Orders" means the Great Yarmouth Port and Haven Acts and Orders 1866 to 1963, the Great Yarmouth Port and Haven (Revision of Charges) Order 1968, the Great Yarmouth Port and Haven (Byelaws) Order 1973 and the Great Yarmouth Port and Haven (Revision of Charges) Order 1973;

"the port" means the port of Great Yarmouth as defined by section 4 (Limits of the port of Great Yarmouth) of the Great Yarmouth Port and Haven Act 1866(d);

"vessel" has the meaning assigned by article 4 of this Order.

(2) The Interpretation Act 1889(e) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(3) Unless the context otherwise requires any reference in this Order to an enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by, or by virtue of, any subsequent enactment including this Order.

Power to appropriate lands and works for particular trades, etc.

3.—(1) Notwithstanding anything in any statutory provision of local application the Commissioners may from time to time for the purpose of or in connection with the management of the port set apart and appropriate any lands, works, buildings, machinery, equipment or other property of the Commissioners for the exclusive, partial or preferential use and accommodation of any particular trade, person, vessel or class of vessels, or goods, subject to the payment of such charges and subject to such terms, conditions and regulations as the Commissioners may think fit.

(2) No person or vessel shall make use of any lands, works, buildings, machinery, equipment or other property so set apart or appropriated without the consent of the harbour master or other duly authorised officer of the Commissioners, and the harbour master or, as the case may be, such officer may order any person or vessel making use thereof without such consent to leave or be removed and the provisions of section 58 (Power of harbour master as to moving of vessels in harbour) of the Act of 1847 shall extend and apply mutatis mutandis to and in relation to any such vessels.

(a) 1948 c. xlvi.
(b) 1951 c. xxvii.
(c) 1963 c. xxvi.
(d) 1866 c. ccxlvii.
(e) 1889 c. 63.

Amendment of Act of 1948

4. All the provisions of the existing Acts and Orders shall be construed and take effect in all respects as if the definition of "vessel" contained in section 2 (Interpretation) of the Act of 1948 were deleted and were replaced by the following definition namely:—

" 'vessel' includes any vessel, ship, lighter, keel, barge, boat, raft, pontoon and craft of any kind, however navigated, propelled or moved, and any hovercraft and any hydrofoil vessel and any seaplane on the surface of the water and for the purpose of this present definition (i) a 'hovercraft' means a hovercraft within the meaning of the Hovercraft Act 1968 and (ii) a 'hydrofoil vessel' means a vessel however propelled designed to be supported on foils.".

Remuneration of Commissioners

5. The Commissioners may pay to individual Commissioners such salary, fee, allowances and expenses as the Commissioners may determine.

Amendment of Act of 1951

6. Section 7 (General qualification of Commissioners) of the Act of 1951 shall have effect as if the word "male" were omitted in both places where it occurs therein.

Byelaws

7.—(1) Section 236 of the Local Government Act 1972(**a**) in its application to byelaws made by the Commissioners after the coming into operation of this Order shall have effect as if in subsection (7) after the word "confirm" where it first occurs in the subsection the words "with or without modification" were inserted:

Provided that, if so directed by the confirming authority, the Commissioners shall cause notice of any proposed modification to be given in accordance with such directions before any byelaw is confirmed with modification.

(2) Section 12 (Byelaws) of the Act of 1963 shall have effect as if for the words "twenty pounds" in both places where these words occur there were substituted the words "fifty pounds" and as if for the words "two pounds" there were substituted the words "five pounds".

John Gilbert,
Minister for Transport,
Department of the Environment.

Signed by authority of
the Secretary of State
18th August 1975.

(a) 1972 c. 70.

EXPLANATORY NOTE

(This Note is not part of the Order.)

Section 33 of the Harbours, Docks and Piers Clauses Act 1847 (which is made applicable to Great Yarmouth Port and Haven by certain provisions of the existing Acts and Orders of the Great Yarmouth Port and Haven Commissioners) provides that upon payment of the rates therein mentioned and subject as therein provided a harbour to which the section applies shall be open to all persons for the shipping and unshipping of goods and the embarking and landing of passengers.

This Order enables the Great Yarmouth Port and Haven Commissioners, notwithstanding section 33 of the Act of 1847, to appropriate lands, works, etc. for the exclusive, partial or preferential use and accommodation of any particular trade, person, vessel or class of vessels or goods.

The definition of the term "vessel" in the Commissioners' existing Acts and Orders is enlarged to include hovercraft and hydrofoil vessels.

The Order also enables the Commissioners to remunerate individual Commissioners and to appoint female Commissioners, enables the Secretary of State to make modifications to byelaws on confirmation and increases penalties for breach of byelaws.

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