STATUTORY INSTRUMENTS

2026 No. 62

HARBOURS, DOCKS, PIERS AND FERRIES

The Lyme Regis, Bridport (West Bay) and Weymouth Harbour Revision Order 2026

Made - - - -	*26th January 2026*
Laid before Parliament	*30th January 2026*
Coming into force	*20th February 2026*

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Dorset Council 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 Lyme Regis, Bridport (West Bay) and Weymouth Harbour Revision Order 2026 and comes into force on 20th February 2026.

(2) This Order extends to England and Wales.

Interpretation

2.—(1) In this Order—

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

"the 1964 Act" means the Harbours Act 1964(**g**);

"the 1972 Act" means the Local Government Act 1972(**h**);

"the 1995 Act" means the Merchant Shipping Act 1995(**i**);

(**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 Tyneside House, Skinnerburn Road, Newcastle Business Park, Newcastle upon Tyne NE4 7AR.
(**f**) 1847 c. 27.
(**g**) 1964 c. 40.
(**h**) 1972 c. 70.
(**i**) 1995 c. 21.

"the 2021 Order" means the Weymouth Harbour Revision Order 2021(**a**);

"aid to navigation" includes lights, buoys, beacons and signals including sound and electronic signals and any structure required to house the same;

"ashore" means all those parts of the harbours not within the Bridport (West Bay) wet harbour area or the Lyme Regis wet harbour area;

"Bridport (West Bay) harbour" means the harbour of Bridport (West Bay) the limits of which are described in article 6(2);

"Bridport (West Bay) harbour limits plan" means the plan prepared in duplicate, signed on behalf of the Marine Management Organisation and marked "Signed Bridport (West Bay) harbour limits plan referred to in the Lyme Regis, Bridport (West Bay) and Weymouth Harbour Revision Order 2026", one copy of which is deposited at the office of the Marine Management Organisation(**b**) and the other at the principal office of the Council(**c**);

"Bridport (West Bay) harbour premises" means land adjacent to the Bridport (West Bay) wet harbour area vested in, occupied or administered (for the time being) by the Council 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, conveniences, land and premises which at the date of this Order includes the areas shown shaded green on the Bridport (West Bay) harbour premises plan;

"Bridport (West Bay) harbour premises plan" means the plan prepared in duplicate, signed on behalf of the Marine Management Organisation and marked "Signed Bridport (West Bay) harbour premises plan referred to in the Lyme Regis, Bridport (West Bay) and Weymouth Harbour Revision Order 2026", one copy of which is deposited at the office of the Marine Management Organisation and the other at the principal office of the Council;

"Bridport (West Bay) wet harbour area" means those parts of the area described in article 6(2)(a) which are covered by water at the level of low water;

"charges" means the charges, rates, tolls and dues which the Council is authorised to demand, take and recover in connection with the harbour undertaking;

"commercial refuelling activities" includes recharging, providing or emptying (in whole or part) a vessel with fuel or alternative power in exchange for financial payment or other valuable consideration;

"the Council" means Dorset Council;

"electronic communications network" has the meanings given by section 32 to the Communications Act 2003(**d**) (meaning of electronic communications networks and services);

"enactment" means any enactment whether public general or local and includes any order, byelaw, general direction, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

"general direction" means a direction given under article 21 (power to make general directions as to the use of the harbours, etc.);

"harbours" means Lyme Regis harbour and Bridport (West Bay) harbour;

"the Harbours Advisory Group" means the body or bodies established in accordance with article 31 (advisory bodies);

"harbour facilities" includes, but is not limited to, shipping, fisheries, marine, energy, fuel and alternative power, recreational, leisure, tourism and retail facilities (including buildings);

"harbour functions" includes the powers and duties at the harbours and in connection with the harbour undertaking, including those authorised by this Order;

(**a**) S.I. 2021/43.
(**b**) The Marine Management Organisation, Tyneside House, Skinnerburn Road, Newcastle Business Park, Newcastle upon Tyne NE4 7AR.
(**c**) Dorset Council, County Hall, Colliton Park, Dorchester, Dorset DT1 1XJ.
(**d**) 2003 c. 21.

"the harbour limits plans" means the Lyme Regis harbour limits plan and the Bridport (West Bay) harbour limits plan;

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

"harbour operations" include—

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

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

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

(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 harbours);

(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 harbours 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 the Lyme Regis harbour premises and the Bridport (West Bay) harbour premises;

"the harbour premises plans" means the Lyme Regis harbour premises plan and the Bridport (West Bay) harbour premises plan;

"harbours revenue" means all moneys receivable by the Council for and in connection with the harbour undertaking other than borrowed moneys and moneys which ought to be carried to capital account;

"the harbour undertaking" means the undertaking carried on by the Council at and in connection with the harbours authorised by this Order;

"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;

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

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

"Lyme Regis harbour" means the harbour of Lyme Regis the limits of which are described in article 6(1);

"Lyme Regis harbour limits plan" means the plan prepared in duplicate, signed on behalf of the Marine Management Organisation and marked "Signed Lyme Regis harbour limits plan referred to in the Lyme Regis, Bridport (West Bay) and Weymouth Harbour Revision Order 2026", one copy of which is deposited at the office of the Marine Management Organisation and the other at the principal office of the Council;

"Lyme Regis harbour premises" means land adjacent to the Lyme Regis wet harbour area vested in, occupied or administered (for the time being) by the Council 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, conveniences, land and premises which at the date of this Order includes the areas shown shaded green on the Lyme Regis harbour premises plan;

"Lyme Regis harbour premises plan" means the plan prepared in duplicate, signed on behalf of the Marine Management Organisation and marked "Signed Lyme Regis harbour premises plan referred to in the Lyme Regis, Bridport (West Bay) and Weymouth Harbour Revision

Order 2026", one copy of which is deposited at the office of the Marine Management Organisation and the other at the principal office of the Council;

"Lyme Regis wet harbour area" means those parts of the area described in article 6(1)(a) which are covered by water at the level of low water;

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

"operator" has the meaning given by paragraph 2 of Schedule 3A to the Communications Act 2003 (the electronic communications code);

"peninsula plan" means the plan prepared in duplicate, signed on behalf of the Marine Management Organisation and marked "Signed peninsula plan referred to in the Lyme Regis, Bridport (West Bay) and Weymouth Harbour Revision Order 2026", one copy of which is deposited at the offices of the Marine Management Organisation and the other at the principal office of the Council;

"special direction" means a direction given under article 24 (special directions);

"statutory undertaker" means—

(a) any person who is a statutory undertaker for any of the purposes of the Town and Country Planning Act 1990(**a**);

(b) a coast protection authority within the meaning of section 1 of the Coast Protection Act 1949(**b**) (coast protection authorities);

(c) any operator of an electronic communications network;

"tidal work" means so much of any works within the harbours that are on, under or over tidal waters or land below the level of high water;

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

"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(**d**), 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 1995 Act;

"Weymouth Harbour" means "the harbour" as defined in article 2(1) of the 2021 Order;

"the Weymouth Harbour Acts and Orders 1854 to 2021" means the Acts and Orders referred to in Schedule 3 to the 2021 Order (Acts and Orders) (to the extent that those Acts and Orders relate to Weymouth harbour) and the 2021 Order;

"the Weymouth harbour undertaking" means the undertaking carried on by the Council at and in connection with Weymouth Harbour authorised by the Weymouth Harbour Acts and Orders 1854 to 2021.

(2) All situations, points, directions, distances, lengths, dimensions, areas and other measurements stated in this Order are to be construed as if the words "or thereabouts" were

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(**a**) 1990 c. 8.
(**b**) 1949 c. 74; section 1 was amended by the Local Government Act 1972 (c. 70), Schedule 30.
(**c**) The Corporation of Trinity House, Tower Hill, London EC3N 4DH.
(**d**) As defined in section 57 (interpretation) of the Harbours Act 1964 (c. 40).

inserted after each such situation, point, direction, distance, length, dimension, area or other measurement.

(3) In this Order, latitude and longitude are stated by reference to the World Geodetic System (WGS84), revised in 1984 and further revised in 2004.

Incorporation of provisions of Harbours, Docks and Piers Clauses Act 1847

3.—(1) The 1847 Act, except sections 6 to 20, 22 to 26, 28 to 32, 35, 37, 38, 41, 42, 49, 50, 54, 55, 59 to 62, 66, 67, 69 to 73, 75, 77, 84 to 92 and 97 to 102, so far as applicable to the purposes and not inconsistent with the provisions of this Order, is incorporated with this Order in respect of the harbours, subject to the modifications stated in paragraphs (2) to (4) below.

(2) Section 53 of the 1847 Act (penalty on shipmasters not complying with directions of the harbour master) has effect subject to the modification that for the words "level 2" there are substituted the words "level 4".

(3) Section 63 of the 1847 Act (penalty on vessels lying near the entrance of harbour or dock without permission) has effect subject to the modification that for the words from "liable to" to the end of the section there are substituted the words "guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale".

(4) In construing the provisions of the 1847 Act as incorporated with this Order—

(a) the expression "the special Act" means this Order;

(b) the expression "the undertakers" means the Council;

(c) the expression "the harbour, dock, or pier" means the harbours;

(d) for the definition of the word "vessel" in section 3 of the 1847 Act (interpretation) there is to be substituted the definition of that word in article 2(1) of this Order;

(e) the reference in section 53 of the 1847 Act to "notice" of a direction served by the harbour master is not to be construed as requiring the notice to be in writing and may include the communication of the notice orally or otherwise.

(5) This article does not apply in relation to Weymouth Harbour.

PART 2

HARBOURS JURISDICTION, GENERAL FUNCTIONS AND HARBOUR LIMITS

Harbours jurisdiction

4.—(1) The Council exercises jurisdiction as a harbour authority within the meaning of section 57 of the 1964 Act (interpretation), and the powers of the harbour master are exercisable, within the harbours.

(2) For and incidental to the performance of its harbour functions, the Council may employ and appoint harbour masters.

(3) The Council, within the harbours, is a local lighthouse authority within the meaning of sections 193 (general and local lighthouse authorities) of the 1995 Act and section 201 of that Act (powers of harbour authorities).

General functions

5.—(1) The Council may, subject to the provisions of this Order, take all such steps as it considers necessary or desirable for the maintenance, operation, management and improvement of the harbours and the harbour facilities provided within the harbours or in connection with the harbour undertaking, and for the conservation of the harbours' flora, fauna and geological and physiographical features of special interest.

(2) For those purposes and without limiting the scope of paragraph (1), the Council may—

(a) improve, maintain, regulate, manage, mark and light the harbours and provide harbour facilities;

(b) subject to holding the necessary rights in or over land—

(i) execute and place in and over the harbours such structures, works and equipment as are required, and

(ii) operate, maintain, renew, alter, extend, demolish and reconstruct structures, harbour facilities, works and equipment in the harbours (including those executed or placed pursuant to sub-paragraph (i));

(c) acquire land;

(d) do all other things which in its opinion are expedient to facilitate the operation, improvement or development of the harbour undertaking.

(3) The Council must publish and maintain a business plan ("Harbours Business Plan")(**a**) in relation to the maintenance, conservation, operation, management and improvement of the harbour undertaking, which it must have regard to when performing its harbour functions.

(4) In the exercise of the powers of sub-paragraph (2)(b), the Council must not, without the consent of the statutory undertaker concerned—

(a) interfere with, damage or otherwise injuriously affect any apparatus belonging to or maintained by any statutory undertaker;

(b) do anything which obstructs or impedes any work relating to the inspection or repair of any such apparatus.

(5) This article is without limitation of the powers of the Council under or by virtue of any other enactment.

Harbour limits

6.—(1) The limits of Lyme Regis harbour within which the Council exercises jurisdiction as a harbour authority within the meaning of section 57 of the 1964 Act (interpretation), and the powers of the harbour master are exercisable, comprise—

(a) the area below the level of high water landward of an imaginary line commencing at Point 1 (50°43′08.87″N, 2°56′03.23″W) on the level of high water, then proceeding in a straight line in a north easterly direction to Point 2 (50°43′29.57″N, 2°55′48.00″W), then following the southern side of the jetty in a north westerly direction to Point 3 (50°43′30.17″N, 2°55′48.65″W) on the level of high water, shown for illustrative purposes shaded blue on the Lyme Regis harbour limits plan; and

(b) the extent of those parts of the Lyme Regis harbour premises not within the area described in sub-paragraph (a).

(2) The limits of Bridport (West Bay) harbour within which the Council exercises jurisdiction as a harbour authority within the meaning of section 57 of the 1964 Act (interpretation), and the powers of the harbour master are exercisable, comprise—

(a) the area below the level of high water bounded—

(i) on the seaward side by an imaginary line following an arc of a 1000 feet radius centred at Point 1 (50°42′33.07″N, 2°45′49.84″W), commencing on the level of high water at Point 2 (50°42′31.19″N, 2°45′34.58″W) on the eastern side on Chesil Beach, then following the line of the arc to Point 3 (50°42′39.12″N, 2°46′03.28″W) on the level of high water on the western side on West Bay Beach, and

(ii) on the landward side—

(**a**) The Harbours Business Plan may be inspected during office hours at the principal office of the Council (Dorset Council, County Hall, Colliton Park, Dorchester, Dorset DT1 1XJ) and via the relevant harbour website at www.lymeregisharbour.co.uk and www.bridportharbour.co.uk.

(aa) by an imaginary line commencing at Point 4 (50°42′45.00″N, 2°45′47.00″W) on the western bank of the River Brit on the level of high water, then proceeding in a straight line in an easterly direction to Point 5 (50°42′45.06″N, 2°45′45.85″W) on the eastern bank of the River Brit on the level of high water; and

(bb) by an imaginary line commencing at Point 6 (50°42′43.37″N, 2°45′43.28″W) on the western bank of the seaward side of the footbridge on the level of high water, then proceeding in a straight line in a south easterly direction to Point 7 (50°42′42.94″N, 2°45′42.58″W) on the eastern bank of the seaward side of the footbridge on the level of high water,

shown for illustrative purposes shaded blue on the Bridport (West Bay) harbour limits plan; and

(b) the extent of those parts of the Bridport (West Bay) harbour premises not within the area described in sub-paragraph (a).

(3) In the event of any discrepancy between the descriptions of the harbours referred to in this article and the boundaries shown on the harbour limits plans and the harbour premises plans or any replacement plans required under sub-paragraph (4)(b), the descriptions in question prevail over the said plans.

(4) The Council must keep and make available for inspection at the relevant harbour office(**a**) and on the relevant harbour website(**b**)—

(a) the Lyme Regis harbour limits plan and the Bridport (West Bay) harbour limits plan (as appropriate); and

(b) the Lyme Regis harbour premises plan and the Bridport (West Bay) harbour premises plan (as appropriate) or, in the event of any alterations to the extent of the harbour premises, replacement plans reflecting the extent of those alterations(**c**).

(5) Any replacement plans required under sub-paragraph (4)(b) must be made available within the period of 30 days beginning with the day on which the alterations are made.

PART 3

FINANCES

Application of finances

7. The Council must apply the harbours revenue in the following way—

(a) firstly, in payment of the working and establishment expenses and cost of maintenance of the harbours;

(b) secondly, in payment of the interest on any moneys borrowed by the Council for the harbours under any statutory borrowing power;

(c) thirdly, in payment of all other expenses properly chargeable to harbours revenue;

(d) fourthly, to any reserve fund maintained under article 8 (reserve fund).

Reserve fund

8.—(1) The Council may have and maintain a reserve fund.

(**a**) Harbour Masters Office, The Cobb, Lyme Regis DT7 3JJ and Harbour Masters Office, Esplanade, West Bay, Bridport DT6 4HE.

(**b**) www.lymeregisharbour.co.uk and www.bridportharbour.co.uk.

(**c**) The plans may be inspected during office hours at the relevant harbour office located at Harbour Masters Office, The Cobb, Lyme Regis DT7 3JJ and Harbour Masters Office, Esplanade, West Bay, Bridport DT6 4HE and available via the relevant harbour website at www.lymeregisharbour.co.uk and www.bridportharbour.co.uk.

(2) The Council must carry to any such reserve fund such part of the harbours revenue as may be available for the purpose in accordance with article 7(d).

(3) Any reserve fund established or maintained under this article may be applied by the Council in its discretion—

(a) in or towards meeting any deficiency in harbours revenue for the purposes of article 7(a) to (c) in any year;

(b) to meet any extraordinary claim or demand in respect of the harbour undertaking;

(c) in or towards payment of the cost of renewing, improving, extending or replacing any part of the works forming part of the harbour undertaking or any vessels, plant or equipment of the Council connected to the harbour undertaking;

(d) for improving the operational area and the navigation of the harbours and the approaches to the harbours;

(e) for any other lawful purpose sanctioned by the Council and connected with the harbour undertaking.

Borrowing

9.—(1) The Council may, for the general purposes of the harbour undertaking, borrow upon the security of all or any of the harbours revenue and property and by any method or methods which it sees fit such sums of money as it considers 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 Council under this article;

(c) the repayment within 12 months from the date of borrowing of any sum 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 Council whose employment related to the harbour undertaking or to the family or dependants of such persons.

PART 4

CHARGES

Charges other than ship, passenger and goods dues

10. The Council may demand, take and recover in respect of any dracone, floating dock, crane, rig, drilling rig, floating platform or any other vessel, not being a ship as defined by section 57(1) of the 1964 Act, entering, using, within or leaving the harbours, such reasonable charges, including in relation to any goods or passengers carried, as it may determine, and section 30 of the 1964 Act (duty to make available for inspection and keep for sale lists of certain charges) and section 31 of that Act (right of objection) apply, with all necessary modification, to the charges authorised by this article as they apply to ship, passenger and goods dues demanded under section 26 of the 1964 Act.

Charges for services or facilities

11. In addition to article 10 (charges other than ship, passenger and goods dues) and its power to demand ship, passenger and goods dues under section 26 of the 1964 Act, the Council may demand, take and recover such reasonable charges for services and facilities provided by the Council at the harbours or in connection with the harbour undertaking as it may determine.

Setting of charges

12. The Council when setting its charges, including ship, passenger and goods dues under section 26 of the 1964 Act, at the harbours—

(a) is not limited to solely taking account of the viability of the relevant harbour at which the charges will apply;

(b) may take account of the overall viability of the harbour undertaking,

provided that the Council must so far as reasonably practicable ensure that the harbours revenue received from each harbour is sufficient year on year to cover the working and establishment expenses and cost of maintenance of that harbour.

Payment of charges

13.—(1) The charges which the Council is authorised to demand, take and recover in respect of vessels and goods or otherwise under any enactment—

(a) are payable before the removal from the harbours of any vessel or goods in respect of which they are payable;

(b) may be demanded, taken and recovered—

(i) by such persons,

(ii) at such places,

(iii) at such times,

(iv) under such terms and conditions,

as the Council may specify in its published list of charges.

(2) Charges payable to the Council in respect of—

(a) a vessel, are payable by the owner or master;

(b) goods, are payable by the owner, consignee or shipper of the goods.

(3) Where charges payable to the Council may be recovered from more than one person, the persons from whom they may be recovered are jointly and severally liable.

(4) Without limiting the scope of paragraph (1), any terms and conditions regarding the payment of charges which the Council may specify may include—

(a) the time when a charge is due for payment;

(b) requirements for such information to be given to the Council by the owner or master of a vessel or goods, or a person using a service or facility of the Council, as the Council may require in connection with the assessment or collection of a charge.

(5) Where charges payable to the Council have not been paid by the time they are due for payment, until such charges have been paid in full, the Council may refuse entry to, require removal from, or detain within, the harbours—

(a) the vessel or goods to which the charges relate; and

(b) any other vessels or goods that the—

(i) owner or master of the vessel; or

(ii) owner of the goods,

to which the charges relate is also the owner or master of.

Composition agreements and rebates

14.—(1) The Council may confer total or partial exemptions from, allow rebates to or make compositions with any person with respect to charges, and may vary or withdraw any such exemption, rebate or composition.

(2) Nothing in section 30 of the 1964 Act (duty to make available for inspection and keep for sale lists of certain charges) requires the Council to include in the list of ship, passenger and goods dues kept at the relevant harbour office, as required by subsection (1) of that section, ship, passenger and goods dues—

(a) reduced by a total or partial exemption; or

(b) subject to a composition agreement or rebate.

Deposit for charges

15.—(1) The Council may, if it thinks fit, require a person who incurs or is about to incur a charge to deposit with it, or to guarantee, such sum of money as is, in the opinion of the Council, reasonable having regard to the amount or probable amount of the charge.

(2) Where such a person fails to deposit or guarantee the sum of money required, the Council may detain in the harbours the vessel or goods to which the charge relates, or refuse entry to, or require removal from the harbours in respect of the vessel or goods, until the requirement has been complied with or the charge paid.

(3) Where such a person deposits the sum of money required, the Council must return the surplus to that person within a reasonable time if—

(a) no charge was incurred;

(b) the deposited sum exceeds the actual charge incurred.

Liens for charges

16.—(1) A person who, by agreement with the Council, collects charges on its behalf and who pays or gives security for the payment of charges on goods in that person's possession has a lien on those goods for the amount paid or security given on those goods.

(2) A wharfinger or carrier who is not personally liable for the payment of charges may pay or by agreement with the Council give security for charges on goods in that person's custody, and in that event that person has a like lien on the goods for the amount of those charges as that person would have in respect of the charges for safe custody or carriage of the goods.

Refusal to pay charges for landing places etc.

17. The harbour master may prevent a vessel from entering the harbours or using a landing place, mooring or other facility provided by the Council, if the master of the vessel refuses to pay the charges for such use.

Exemptions from ship, passenger and goods dues

18. Except as may be agreed between the Council and the government department or person concerned, the Council is not entitled to demand ship, passenger and goods dues from, or in respect of—

(a) a vessel—

(i) in the service of HM Revenue and Customs or the Secretary of State for Defence in the execution of their core duties and not carrying persons or goods for reward,

(ii) belonging to or used by a lifeboat service whilst employed in or in connection with the core functions of that service,

(iii) in the service of a police force or other emergency service in the execution of their core duties and not carrying persons or goods for reward;

(b) HM Revenue and Customs or any officer or other person employed in its service in execution of their core duties in respect of a vessel or goods under customs seizure, or in respect of goods or other articles belonging to, or in the care or service of, HM Revenue and Customs;

(c) an officer of HM Revenue and Customs or any other person employed in its service while in the execution of their core duties;

(d) a person employed by the Secretary of State for Defence while in the execution of their core duties;

(e) Officers of the Department for Transport in the execution of their core duties.

Recovery of charges

19.—(1) In addition to any other remedy given by this Order and by the 1847 Act as incorporated with this Order, the Council may recover any charges payable to it as a debt.

(2) Where the master of a vessel in respect of which a charge is payable to the Council refuses or neglects to pay the same or any part of it, paragraph (1) applies whether or not the Council's collector, in circumstances where the powers under section 44 of the 1847 Act (recovery of tonnage rates by distraint of ship and tackle) are exercisable, has gone on board the vessel and demanded payment of the charge under those powers.

Harbour master may prevent sailing of vessels

20. The harbour master may prevent the removal or sailing from the harbours of any vessel until evidence has been produced to the harbour master of the payment of any charges payable in respect of—

(a) the vessel;

(b) passengers of the vessel;

(c) goods on the vessel.

PART 5

GENERAL DIRECTIONS, SPECIAL DIRECTIONS AND BYELAWS

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

21.—(1) The Council may, in accordance with the requirements of article 22 (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 harbours.

(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 harbours 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 Council may amend or revoke a direction given under paragraph (1).

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

Procedure for giving, amending or revoking general directions

22.—(1) Subject to paragraph (7), if the Council 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 Harbours Advisory Group, and

(iv) such other persons as it considers appropriate for the purposes of the application of this provision;

(b) on the same date as the notice given in accordance with sub-paragraph (a), place a notice of the proposal on the relevant harbour website and in prominent locations at the harbour to which the proposal applies and keep them 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 Council 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 representation, following consultation, as to whether the Council proposes to proceed with the proposal and, if so, specifying whether it is making any modifications to the proposal and its reasons for doing so; and

(f) if the Council 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 representations against 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 Council may specify.

(2) Where the Council 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 representations against the proposal in accordance with sub-paragraph (1)(f); or

(c) where a designated consultee has maintained representations against the proposal in accordance with sub-paragraph (1)(f), the requirements of paragraph (3) have been complied with.

(3) Where a designated consultee has confirmed in writing to the Council that they maintain their representations against the proposal—

(a) the issue must be referred to an independent person ("the adjudicator") appointed—

(**a**) The public register for all in force general directions may be inspected during office hours at the relevant harbour office located at Harbour Masters Office, The Cobb, Lyme Regis DT7 3JJ and Harbour Masters Office, Esplanade, West Bay, Bridport DT6 4HE and is available via the relevant harbour website at www.lymeregisharbour.co.uk and www.bridportharbour.co.uk.

(i) by agreement between the Council and each designated consultee maintaining representations against the proposal in accordance with sub-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 Council 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 representation 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 Council 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 sub-paragraph (1)(e), and where paragraph (3) applies, the form recommended by the adjudicator under sub-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 Council proposes to give or amend a general direction—

(a) in an emergency; or

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

(i) the intended activity or operation is expected to commence within 16 weeks of the Council 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 Council 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 harbours which may be affected.

(8) Where the Council 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 sub-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 sub-paragraphs (1)(c) to (f) and paragraphs (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 sub-paragraph (1)(c), for "sub-paragraphs (a) and (b)" substitute "sub-paragraph (8)(a)", and

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

Publication of general directions

23.—(1) Subject to paragraph (4), the Council 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 to which the proposal relates and electronically on the relevant 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 Council must display notices of general directions that apply to the harbour premises at prominent locations within the harbour to which the proposal relates.

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

Special directions

24.—(1) The harbour master may give a special direction in respect of a vessel anywhere in the harbours 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 discharge or use of ballast;

(g) requiring the removal of the vessel from any part of the harbours 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 harbours or interfering with the reasonable use or enjoyment of the harbours by other vessels or persons or the dispatch of business in the harbours,

(iv) needs to be removed to enable maintenance or repair work to be carried out to the harbours;

(h) requiring the vessel be removed to a place outside the harbours 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 revoke or amend a special direction.

(5) Special directions and directions given under section 52 of the 1847 Act by the harbour master prevail over general directions given, or byelaws made, by the Council in the event of a conflict.

Failure to comply with directions

25.—(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

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

Master's responsibility in relation to directions

27. The giving of a general direction or a 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, cargo, person or property.

Power to make byelaws

28.—(1) The Council may make such byelaws as it thinks fit for the efficient management and regulation of the harbours.

(2) Without limitation to the scope of paragraph (1), the Council may make byelaws under this article for any of the purposes set out in Schedule 1 (purposes for which byelaws may be made) but such byelaws are not to come into operation until they have been confirmed by the Secretary of State.

(3) In Schedule 1, "signals" includes sound signals.

(4) Byelaws made under this article may—

(a) on summary conviction, impose a fine not exceeding level 4 on the standard scale upon a person who has contravened any byelaw, or any condition, requirement or direction imposed, made or given under a byelaw;

(b) relate to the whole of the harbours or to any part of the harbours;

(c) make different provisions for different parts of the harbours or in relation to different classes of vessels or vehicles;

(d) otherwise make different provision for different circumstances.

(5) Where a person is charged with an offence of contravening any byelaw made under this article, it is a defence for the person to prove that—

(a) they took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence;

(b) they had a reasonable excuse for their act or failure to act;

(c) the offence was not caused or facilitated by any act or neglect on their part or on the part of any person engaged or employed by them and that all reasonable steps were taken to prevent the commission of the offence.

(6) The powers in this article are in addition to the powers conferred by section 83 of the 1847 Act (byelaws may be made for all or any of the purposes herein named).

Confirmation of byelaws

29.—(1) The provisions contained in subsections (3) to (8) of section 236 (procedure etc., for byelaws) of the 1972 Act and section 238 of that Act (evidence of byelaws) apply to all byelaws made after the coming into force of this Order, by the Council under this Order or section 83 of the 1847 Act (byelaws may be made for all or any of the purposes herein named).

(2) In its application to byelaws made under this Order or section 83 of the 1847 Act, section 236 of the 1972 Act has effect, subject to paragraph (3), as if after the word "confirm" in subsection 236(7) in the first place where that word occurs there were inserted the words "with or without modification".

(3) Where the confirming authority proposes to make a modification which appears to the confirming authority to be substantial, then the confirming authority must—

(a) inform the Council and require it to take any steps the confirming authority thinks necessary for informing persons likely to be concerned with that modification;

(b) not confirm the byelaws until there has elapsed such period as the confirming authority thinks reasonable for the Council and other persons who have been informed of the proposed modification to consider and comment on it.

(4) The confirming authority for the purposes of this article and of section 236 of the 1972 Act, in its application to byelaws made under this Order or section 83 of the 1847 Act, is the Secretary of State.

Saving for existing directions, byelaws etc.

30. Any direction, byelaw, regulation, licence, lease, consent or other agreement made, issued, entered into or granted by the Council in connection with the harbour undertaking, or the Weymouth 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 article 54 and Schedule 2 and the repeals and revocations set out in article 55 and Schedule 3.

PART 6

MISCELLANEOUS AND GENERAL

Advisory bodies

31.—(1) The Council must establish one or more advisory bodies which the Council must, except in an emergency, consult on all matters substantially affecting the management, maintenance, improvement, conservation, protection or regulation of the harbours and their navigation.

(2) The Council must make arrangements for every advisory body established under this article to meet at least twice a year.

(3) The Council must take into consideration within a reasonable period any matter, recommendation or representation which may be referred or made to it by such an advisory body established under this article whether or not that advisory body has been consulted by the Council on the matter, recommendation or representation referred or made.

(4) Any advisory body established under this article must consist of such number of persons appointed by the Council as the Council considers appropriate.

(5) Appointments to any advisory body established under this article must be made by the Council in accordance with a scheme prepared by it for that purpose(**a**), and the scheme must

(**a**) The scheme may be inspected via the relevant harbour website at www.lymeregisharbour.co.uk and www.bridportharbour.co.uk.

provide for the appointment of persons who, in the opinion of the Council, are representative of persons having an interest in the functioning of the harbours.

(6) Any advisory body established under this article may determine its own quorum and procedure and must appoint a chair from amongst its members.

(7) An individual appointed as a member of any such advisory body established under this article may hold office for a period of three years and, at the end of each three year period, is eligible for reappointment for a further three year period.

(8) A member of any such advisory body may resign their office at any time by notice in writing given to the Council.

Development of land etc.

32.—(1) The Council may, subject to holding the necessary rights in or over land and provided that it is conducive to the improvement, maintenance, operation or management of the harbour undertaking in an efficient and economical manner—

(a) use or develop for any purpose, and deal with, any land within or in the vicinity of the harbours;

(b) form, invest in and promote, or join with another person in forming, investing in and promoting, a company for using or developing for any purpose, and dealing with, any land within or in the vicinity of the harbours.

(2) Except as is otherwise provided by any enactment, the powers of a company referred to in sub-paragraph (1)(b) may include powers to do anything necessary or expedient for the purposes of the objects mentioned in that paragraph or for purposes incidental to those purposes, notwithstanding that the Council would not itself have the power to do that thing.

Powers to grant tenancies and dispose of land

33.—(1) The Council may, for the purposes of or in connection with the carrying on of the harbour undertaking, lease or grant the use or occupation of, or any right or interest in or over, any lands, works, buildings, machinery, equipment or other property forming part of the harbours for such period, at such rents and other considerations and on such terms and conditions as it thinks fit.

(2) A lease or grant made or given under paragraph (1) may include provisions delegating to the lessee or grantee any of the harbour functions of the Council other than those specified in sub-paragraphs (a) to (f) of paragraph 9B of Schedule 2 to the 1964 Act (functions which cannot be delegated under a power conferred by a harbour revision order).

(3) The Council may, for such consideration and on such terms and conditions as it thinks fit, dispose of, or grant the use or occupation for any purpose of, any lands, works, buildings, machinery, equipment or other property vested in it if it considers that—

(a) the property is surplus to that which is required for the purpose of the harbour undertaking; or

(b) it would be conducive to the improvement, maintenance, operation or management of the harbour undertaking in an efficient and economical manner for the property to be held by a person other than the Council.

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

34.—(1) Notwithstanding any statutory provision of local application the Council may for the purpose of or in connection with the carrying on of the harbour undertaking set apart and appropriate any part of the harbours vested in, or occupied or administered by the Council as part of the harbour undertaking 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 Council may think fit.

(2) No person or vessel is permitted to make any use of any part of the harbours so set apart or appropriated without the consent of the harbour master or other duly authorised officer of the Council and—

(a) the harbour master or other duly authorised officer of the Council may order any person or vessel making use of the harbours without such consent to leave or be removed; and

(b) the provisions of section 58 of the 1847 Act (harbour master may remove vessels within docks, &c.) extend and apply with the necessary modifications to and in relation to such vessels.

Other commercial activities

35.—(1) The Council may, in addition to any other powers conferred on the Council and provided that it is conducive to the improvement, maintenance, operation or management of the harbour undertaking in an efficient and economical manner—

(a) carry on at any place a trade or business of any kind including a trade or business carried on in conjunction with another person;

(b) form, invest in and promote, or join with another person in forming, investing in and promoting, a company, for carrying on any part of the harbour undertaking or carrying on at any place a trade or business of any kind.

(2) Except as is otherwise provided by any enactment, the powers of a company referred to in sub-paragraph (1)(b) may include powers to do anything necessary or expedient for the purposes of the objects mentioned in that paragraph or for purposes incidental to those purposes, notwithstanding that the Council would not itself have the power to do that thing.

(3) The powers of the Council under this article are additional to the powers of the Council under section 37 of the Docks and Harbours Act 1966(**a**) (power of harbour authorities to acquire a harbour business or shares in a harbour business).

Power to delegate functions

36. Subject to paragraph 9B of Schedule 2 to the 1964 Act (functions which cannot be delegated under a power conferred by a harbour revision order), the Council may delegate the performance of any of its harbour functions to be carried out by any such company as is referred to in article 35(1)(b).

Power to lay moorings

37.—(1) The Council may provide, place, lay down, maintain, retain, renew, use, have and remove moorings within the harbours—

(a) on land owned or leased by it; or

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

(2) The Council may make reasonable charges in respect of any vessel using any mooring provided under this article or moored to land owned or leased by the Council.

(3) The Council may give notice in writing to a person having control of any mooring in the harbours requiring that person within 28 days to remove the mooring to enable the Council to provide moorings in accordance with paragraph (1).

(4) The Council must offer to make available to the person having the control of the mooring referred to in paragraph (3) a mooring provided by the Council under paragraph (1) as soon as such mooring has been laid down.

(**a**) 1966 c. 28; section 37(3) was repealed by the Transport and Works Act 1992 (c. 42), Schedule 4 (Part II).

(5) If any person fails to comply with a notice under paragraph (3), the Council may at any time after the expiration of 28 days from the date of the giving of the notice remove the mooring referred to in that notice.

Power to licence moorings

38.—(1) The Council may grant to a person with or without conditions a licence to place, lay down, maintain, retain, renew, use, have and remove existing and future moorings, for vessels in the harbours.

(2) Nothing in any licence granted under paragraph (1) entitles a person to place, lay down, maintain, retain, renew or use, have and remove any mooring on land not owned or leased by that person or by the Council or on which that person is not entitled to use for that purpose.

(3) A licence granted under paragraph (1) may be granted for such period as the Council thinks fit.

(4) The Council may make reasonable administrative charges for the grant of a licence under this article.

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

(6) In considering an application for a moorings licence under paragraph (1) made in respect of an original mooring, the Council must not refuse to grant a licence for the original mooring in the same location as situated at the date of this Order unless it is satisfied that the placing, laying down, maintenance, retention, renewal or use of the original mooring to which the application relates would constitute a danger to or interfere with the navigation of vessels in the harbours.

Offences as to moorings

39.—(1) A person commits an offence if they—

(a) intentionally obstruct any person acting under the authority of the Council in setting out moorings;

(b) intentionally and without lawful authority pull up or remove any mooring in the harbours;

(c) without reasonable excuse cause or permit a vessel to be moored at a mooring, except a mooring provided under article 37 (power to lay moorings) or licensed by the Council under article 38 (power to licence moorings) which the person or vessel concerned is entitled to use; or

(d) place, lay down, maintain, retain, renew or have in the harbours any mooring not provided under article 37 or licensed by the Council under article 38.

(2) Any person who commits an offence under paragraph (1) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(3) If any person commits an offence under sub-paragraph (1)(d), the Council may remove the mooring in question and recover from that person the expenses incurred in doing so as a debt.

(4) In articles 37 to 39 "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.

Bunkering

40.—(1) The Council may grant to a person with or without conditions a licence to carry out commercial refuelling activities in the harbours.

(2) Nothing in any licence granted under paragraph (1) entitles a person to carry out commercial refuelling activities from or on land not owned or leased by that person or by the Council without the consent of the owner of the land.

(3) Any licence granted under paragraph (1) is valid for a period of one year commencing with the date on which it is granted.

(4) The Council may charge for a licence granted under paragraph (1) such reasonable fee as the Council may prescribe.

(5) Any person who without reasonable excuse carries out or permits a commercial refuelling activity related to a vessel in the harbours, except in accordance with a licence issued by the Council under this article, is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Aids to navigation

41.—(1) In addition to its powers under section 201 of the 1995 Act but subject to holding any necessary rights in or over land, the Council may erect, place, alter, discontinue or remove any aid to navigation in any place adjacent to the harbours.

(2) The Council must not exercise the powers of paragraph (1) without the approval of Trinity House.

Power to dredge

42.—(1) The Council may, as appears to it to be necessary or desirable for the purposes of the harbour undertaking, deepen, widen, dredge, scour, cleanse, alter and improve so much of the bed, shores and channels of the harbours and the approaches to the harbours, and subject to paragraph (3) it may use, appropriate or dispose of the materials (other than "wreck" within the meaning of Part 9 of the 1995 Act) dredged by it.

(2) The exemption in section 75 of the Marine and Coastal Access Act 2009(**a**) does not apply to Lyme Regis harbour.

(3) Materials dredged up or removed by the Council in the exercise of the powers of this article must not be laid down or deposited in contravention of the provisions of any enactment relating to the disposal of waste.

Repair of landing places, etc.

43.—(1) The Council may serve a notice on the owner, lessee or occupier of a relevant feature requiring them to remedy its condition to the Council's reasonable satisfaction within a reasonable time, not being less than 21 days, specified in the notice where, in the opinion of the Council, the relevant feature is, or is likely to become, by reason of its insecure condition or want of repair—

(a) dangerous to persons or vessels using the harbours; or

(b) a hindrance to the navigation of the harbours.

(2) A notice under paragraph (1) must specify—

(a) sufficient detail to identify the relevant feature;

(b) the reason why the Council considers that the relevant feature requires its condition to be remedied in accordance with paragraph (1);

(c) that the owner, lessee or occupier is required to remedy the condition of the relevant feature, which may include specific works; and

(d) the time within which the requirements of the notice must be complied with.

(3) If a person served with a notice under paragraph (1) fails without reasonable excuse to comply with the requirements of the notice within the time stated in the notice, or such other time as the Secretary of State on an appeal may substitute—

(a) that person is liable on summary conviction to a fine not exceeding level 3 on the standard scale; and

(b) the Council may carry out the work required by the notice and may recover the reasonable expenses of doing so from the person on whom the notice was served.

(**a**) 2009 c. 23.

(4) A notice under paragraph (1) must have annexed to it a copy of this article.

(5) A person served with a notice under paragraph (1) may appeal against the notice to the Secretary of State within a period of 21 days beginning with the date on which the notice was served.

(6) An appeal under paragraph (5) must be made by notice in writing to the Secretary of State stating the grounds of the appeal and include a statement of appeal in support of those grounds.

(7) A person who submits an appeal under paragraph (5) must serve on the Council copies of the notice of the appeal and the statement of appeal within 7 days of lodging, and the Council may, within 21 days of receipt of the notice, submit observations regarding the appeal to the Secretary of State and must supply copies of the same to the appellant.

(8) On an appeal under paragraph (5), the Secretary of State must either quash the notice served under paragraph (1), modify its requirements or dismiss the appeal.

(9) In this article—

(a) "owner", "lessee" and "occupier", in relation to a relevant feature, means the person who was the "owner", "lessee" or "occupier" of the relevant feature at the date the notice is served, or if the "owner", "lessee" or "occupier" of the relevant feature is not readily identifiable, the "owner", "lessee" or "occupier" of the land on which the relevant feature is situated at the date the notice is served.

(b) "relevant feature" means any landing place, jetty, wall, pontoon, pile, embankment, bridge, structure, aid to navigation, or other work in the harbours or on land immediately adjoining the land below the level of high water in the harbours, other than one under the control or management of the Council.

Power with respect to disposal of wrecks

44.—(1) In its application to the Council, section 252 of the 1995 Act (powers of harbour and conservancy authorities in relation to wrecks) has effect in relation to the harbours and the approaches to the harbours in relation to a vessel sunk, stranded or abandoned before, on or after the coming into force of this Order.

(2) Subject to paragraph (3), and to any enactment in force limiting a person's liability, the Council may recover from the owner of any vessel sunk, stranded or abandoned on or after the coming into force of this Order in relation to which it has exercised its powers under section 252 of the 1995 Act any associated expenses reasonably incurred by it under that section in relation to that vessel which are not reimbursed out of any proceeds of sale within the meaning of that section.

(3) Except in a case which is in the opinion of the Council an emergency, paragraph (2) applies in relation to any vessel only if, before exercising the powers under section 252 of the 1995 Act in relation to that vessel, other than the power of lighting and buoying, the Council has given to the owner of the vessel not less than 48 hours' notice of its intention to do so.

(4) If, before the expiry of a notice served under paragraph (3), the Council receives a counter-notice in writing from the owner of the vessel stating they will dispose of the vessel themselves, the owner is at liberty to do so.

(5) If a counter-notice is received in accordance with paragraph (4), the Council must not exercise the powers in section 252 of the 1995 Act in relation to that vessel until the expiration of seven days from the receipt of the counter-notice and of any further continuous period thereafter during which the owner of the vessel proceeds with the disposal with all reasonable diligence and in compliance with any directions for the prevention of interference with navigation which may be given to the owner by the Council or the harbour master.

(6) A notice under paragraph (3) must be served by—

(a) delivering it to the owner;

(b) sending it to the owner by first class post at their registered office, last known place of business or home address in the United Kingdom; or

(c) displaying the notice at the relevant harbour office and electronically on the relevant harbour website for the period of its duration, if the owner or any such registered office, place of business or home address is not known to the Council, or is not in the United Kingdom.

(7) In this article, "owner", in relation to any vessel, means the person who was the owner of the vessel at the time of the sinking, stranding or abandonment.

(8) The powers conferred on the Council by this article are in addition to any other powers exercisable by it for or with respect to the removal of wrecks within the harbours and their approaches.

Power to deal with unserviceable vessels

45.—(1) In addition to the powers conferred on the harbour master by section 57 of the 1847 Act (unserviceable vessels to be altogether removed from harbour) and on the Council by section 252 of the 1995 Act (powers of harbour and conservancy authorities in relation to wrecks) the Council may sell, break up or otherwise dispose of any vessel which is unserviceable and has been laid by or neglected in the harbours or immediately adjoining the harbours.

(2) The Council may retain out of the proceeds of sale of such vessel any expenses incurred by it in respect of the vessel, or in marking, buoying, lighting or otherwise controlling the vessel or warning other persons or vessels of its presence, and any reasonable expenses incurred by the harbour master under section 57 of the 1847 Act, and must pay any surplus to the person entitled to that surplus.

(3) If the proceeds of the sale are insufficient to reimburse the Council for the expenses listed in paragraph (2), or there is no sale, the Council may recover the deficiency, or where there is no sale, the whole of the expenses, from the owner as a debt.

(4) Except in the case of emergency, the Council must, before exercising its powers under this article, give 14 days' notice in writing of its intention to do so.

(5) A notice under paragraph (4) must be served in the same manner set out in paragraph (6) of article 44 (power with respect to disposal of wrecks).

Removal of obstructions other than vessels

46.—(1) The Council may remove anything, other than a vessel, causing or likely to become an obstruction to, or cause interference with, navigation in any part of the harbours or any approach to the harbours.

(2) The Council may take such steps as appear to it to be appropriate to prevent or minimise such obstruction or interference for the purposes of paragraph (1).

(3) If anything removed by the Council under paragraph (1) is marked as to be readily identifiable as the property of any person, the Council must, within 28 days of its coming into the Council's custody, give notice in writing to that person stating that possession may be retaken at a place stated in the notice within the period specified in the notice, being not less than 14 days after the notice is served, provided—

(a) proof of ownership is produced to the reasonable satisfaction of the Council; and

(b) payment has been made in respect of any reasonable expenses incurred by the Council under this article.

(4) Anything removed under paragraph (1) is deemed to vest in the Council if—

(a) possession of it is not retaken by the owner by the end of the period specified in the notice under paragraph (3); or

(b) paragraph (5) applies.

(5) Notwithstanding the provisions of paragraph (3) the Council may, at such time and in such manner as it thinks fit, dispose of anything removed under paragraph (1)—

(a) which is not marked as to be readily identifiable as the property of any person; or

(b) which is of a perishable nature or the custody of which involves unreasonable expense or inconvenience.

(6) If anything disposed of by the Council under this article is sold, the Council must place a notice at the relevant harbour office and on the relevant harbour website for a period of 28 days giving details of the property sold and may retain out of the proceeds of sale any reasonable expenses incurred by it under this article (including in relation to storage), and any surplus from the proceeds—

(a) must be paid to any person who within 24 months from the time when the property came into the custody of the Council proves to the reasonable satisfaction of the Council that they were the owner at that time; or

(b) if no person proves their ownership in accordance with sub-paragraph (a), at the end of the 24 month period, is deemed to vest in the Council.

(7) If the proceeds of sale of anything removed under this article are insufficient to reimburse the Council for the expenses set out in paragraph (6), or there is no sale because the thing is unsaleable, the Council may recover, as a debt, from the person who was the owner at the time when the thing removed came into the custody of the Council, or who was the owner at the time of its abandonment or loss—

(a) the deficiency; or

(b) where there is no sale, the whole of the expenses.

Boarding of vessels or vehicles

47. A duly authorised officer of the Council may, on producing their authority if asked, enter and inspect a vessel or vehicle in the harbours for the purposes of any enactment relating to the harbour undertaking, including enforcement.

Tidal works

48.—(1) In the case of injury to, or destruction or decay of, a tidal work or any part of it which presents a danger to navigation, the Council must as soon as reasonably practicable notify Trinity House and the UK Hydrographic Office(**a**).

(2) A tidal work consisting of a wharf, or any part of it forming part of the harbour undertaking is deemed to be within the area of Dorset Council to the extent that it is not already.

(3) In paragraph (2), "wharf" does not include pontoons.

Power of the Council to prosecute or defend legal proceedings

49. In addition to any other powers conferred on the Council, where the Council considers it conducive to the improvement, maintenance, operation, management or protection of the harbour undertaking, it may—

(a) prosecute, defend or appear in any legal proceedings and, in the case of civil proceedings, may institute them;

(b) make representations in respect of the harbour undertaking at any public inquiry held under any enactment.

Notices

50.—(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.

(**a**) Admiralty Way, Taunton, Somerset TA1 2DN.

(2) Where the person on whom a notice or other document is 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 Council 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) 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 relevant harbour office and electronically on the relevant harbour website for the period of its duration.

Saving for Trinity House

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

Crown Rights

52.—(1) Nothing in this Order—

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

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

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

(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 sub-paragraph (1)(b) may be given unconditionally or subject to such conditions and upon such terms as may be considered necessary or appropriate.

Restriction of the application of section 33 of the Harbours, Docks and Piers Clauses Act 1847 at Weymouth Harbour

53.—(1) Subject to paragraph (2), section 33 of the 1847 Act (harbour, dock, and pier free to the public on payment of rate), as incorporated under the Weymouth Harbour Acts and Orders 1854 to 2021 only applies in respect of vessels up to 24 metres in length.

(2) Section 33 of the 1847 Act does not apply to the area shaded red on the peninsula plan.

Amendment of the Weymouth Harbour Revision Order 2021

54.—(1) The 2021 Order is amended as follows.

(2) In article 2(1)—

(a) in the appropriate places in alphabetical order insert the following definitions—

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

""the Harbour Advisory Group" means the body or bodies established in accordance with article 28 (advisory bodies);";

""harbour operations" include—

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

(b) the berthing, mooring, storage or dry docking 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;";

(b) omit the definition of "land".

(3) In article 4(2) omit "under this Order".

(4) In article 5(2)—

(a) in sub-paragraph (b)(ii) in the final place it occurs omit "and";

(b) for sub-paragraph (c) substitute—

"(c) acquire land; and";

(c) after sub-paragraph (c) insert—

"(d) do all other things which in its opinion are expedient to facilitate the operation, improvement or development of the harbour undertaking.".

(5) In article 11 (charges for services or facilities) for "as it may from time to time" substitute "or in connection with the harbour undertaking as it may".

(6) For articles 21, 22 and 23 substitute articles 21, 22 and 23 as set out in Schedule 2 to this Order.

(7) In article 29 (development of land etc.)—

(a) in sub-paragraph (1)(b) for "Company" substitute "company";

(b) in paragraph (2) for "Council" in the first place it occurs substitute "company".

(8) In article 32 (other commercial activities)—

(a) in sub-paragraph (1)(b) for "Company" substitute "company";

(b) in paragraph (2) for "Council" in the first place it occurs substitute "company".

(9) In article 34 (moorings)—

(a) for article 34(1) substitute—

"**34.**—(1) The Council may provide, place, lay down, maintain, retain, renew, use, have and remove moorings within the harbour—

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

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

(b) in paragraph (8) omit "appropriate".

(10) In article 35(2) omit "appropriate".

(11) In article 40(2) omit "or body".

(12) For article 41(7) substitute—

"(7) If the proceeds of sale of anything removed under this article are insufficient to reimburse the Council for the expenses set out in paragraph (6), or there is no sale because the property is unsaleable, the Council may—

(a) recover the deficiency; or

(b) where there is no sale, the whole of the expenses,

from the person who was the owner at the time when the property removed came into the custody of the Council or who was the owner at the time of its abandonment of loss.".

(13) In Schedule 3 (Acts and Orders)—

(a) for "Piers" substitute "Pier";

(b) in the second place it occurs, omit "The";

(c) for "(Amendment)" substitute "Amendment";

(d) before "Weymouth and Melcombe Reis Corporation Act 1914", insert "The";

(e) omit "and Portland".

Revocation / Repeal

55. The enactments mentioned in the first and second columns of Schedule 3 (revocation / repeal) are revoked or repealed (as appropriate) to the extent specified in the third column of that Schedule.

Signed by authority of the Marine Management Organisation

Michelle Willis
Acting Chief Executive Officer
26th January 2026 An authorised employee of the Marine Management Organisation

SCHEDULES

SCHEDULE 1

Article 28

PURPOSES FOR WHICH BYELAWS MAY BE MADE

1. Regulating the use of any works and facilities provided by the Council.

2. Preventing damage or injury to any vessel, goods, vehicle, plant, machinery, property, or persons within the harbours and to any aid to navigation used in connection with the harbours.

3. Regulating, preventing or licensing the conduct of all persons in vessels or otherwise within the harbours, not being—

(a) members of a police force;

(b) officers or servants of the Crown;

(c) members of a fire service,

whilst in the exercise of their core duties as such.

4. Regulating the placing, laying down, maintenance, removal and use of moorings within the harbours.

5. Preventing or removing obstructions (including vessels and vehicles) or impediments within the harbours.

6. Regulating the launching of vessels.

7. Regulating or prohibiting the use in the harbours, or onboard any vessel in the harbours, of fires, lights, tobacco or any other substance, equipment, tools or appliances which the Council considers involves a risk of fire, explosion or chemical reaction and for the prevention of smoking.

8. Prohibiting the use of or regulating the use, movement, speed, placing, loading, unloading, driving and parking of vehicles in the harbours and the removal of vehicles from the harbours (including by the Council).

9. Requiring the use of effectual silencers or other similar apparatus, and the general control of noise on vessels in the harbours.

10. Regulating vessels in the harbours and their entry into and departure from the harbours and, without limitation to that scope, for prescribing rules for regulating the speed and manner of navigation or movement and the lights and signals exhibited or made by, or for the benefit of, vessels using, navigating or mooring within the harbours.

11. Regulating the embarkation of persons on to, or their disembarkation from, vessels within the harbours.

12. Prescribing the lights and signals to be exhibited or made—

(a) by vessels aground within the harbours;

(b) by vessels or other devices used for marking obstructions within the harbours.

13. Assisting the navigation of vessels within the harbours, at the entrance to any dock or at any wharf, pier or other work.

14. Prohibiting or regulating the discharge by land or sea of any material, substance or thing within the harbours or the approaches to them.

15. Regulating or prohibiting fishing for marine creatures of any type and by whatever means from any pier, jetty, wharf, breakwater or other installation or structure of any kind within the

harbours, from any vessel within the harbours or from the foreshore where such fishing interferes with the operation of the harbours or the safety of navigation in the harbours.

16. Regulating or prohibiting bathing, and for securing the protection of bathers, within the harbours.

17. Regulating or prohibiting the use by vehicles of the foreshore within the harbour premises.

18. Regulating the berthing, mooring and anchoring of vessels in any part of the harbours and regulating the careening and beaching of vessels within the harbours.

19. Regulating the use within the harbours of yachts, sailing boats, rowing boats, pleasure craft, windsurfers, kitesurfers, jet bikes, jet kayaks, flyboards, other personal watercraft and other small craft.

20. Regulating or prohibiting the activities within the harbours of divers, surfers, underwater swimmers, water-skiers and other persons engaged in similar recreational pursuits (including those engaged on a commercial basis).

21. Regulating the conveyance to and the laying down at or on the harbour premises of all goods intended for shipment.

22. Regulating the control of animals within the harbours.

23. Preventing the disposal of any waste matter except at places or in a manner prescribed by the Council.

24. Regulating the conveyance, landing, laying down, discharge and removal of goods, gear, equipment, timber, logs, floats, or rafts of timber and other items within the harbours or the harbour premises.

25. Regulating the exercise of the powers vested in the harbour master.

26. The purposes specified in section 83 of the 1847 Act (byelaws may be made for all or any of the purposes herein named).

SCHEDULE 2

Article 54

AMENDMENT OF WEYMOUTH HARBOUR REVISION ORDER 2021

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

21.—(1) The Council may, in accordance with the requirements of article 22 (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 Council may amend or revoke a direction given under paragraph (1).

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

Procedure for giving, amending or revoking general directions

22.—(1) Subject to paragraph (7), if the Council 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 Harbour Advisory Group, and

(iv) such other persons as it considers appropriate for the purposes of the application of this provision;

(b) on the same date as the notice given in accordance with sub-paragraph (a), place a notice of the proposal on the harbour website and in prominent locations at the harbour and keep them 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 Council 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 representation, following consultation, as to whether the Council proposes to proceed with the proposal and, if so, specifying whether it is making any modifications to the proposal and its reasons for doing so; and

(f) if the Council 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 representations against 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 Council may specify.

(2) Where the Council 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 representations against the proposal in accordance with sub-paragraph (1)(f); or

(c) where a designated consultee has maintained representations against the proposal in accordance with sub-paragraph (1)(f), the requirements of paragraph (3) have been complied with.

(3) Where a designated consultee has confirmed in writing to the Council that they maintain their representations against the proposal—

(a) the issue must be referred to an independent person ("the adjudicator") appointed—

(**a**) The public register of all in force general directions may be inspected during office hours at the harbour office located at Weymouth Harbour Office, 13 Custom House Quay, Weymouth, Dorset DT4 8BG and is available via the harbour website at www.weymouth-harbour.co.uk.

(i) by agreement between the Council and each designated consultee maintaining representations against the proposal in accordance with sub-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 Council 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 representation 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 Council 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 sub-paragraph (1)(e), and where paragraph (3) applies, the form recommended by the adjudicator under sub-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 Council 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 Council 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 Council 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 Council 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 sub-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 sub-paragraphs (1)(c) to (f) and paragraphs (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 sub-paragraph (1)(c), for "sub-paragraphs (a) and (b)" substitute "sub-paragraph (8)(a)", and

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

Publication of general directions

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

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

SCHEDULE 3

Article 55

REVOCATION / REPEAL

Number	*Short Title*	*Extent of Revocation/Repeal*
1584 c. 19 (27 Eliz. 1)(**a**).	An Act for the maintenance of the Peere and Cobb of Lyme Regis, in the County of Dorset.	Whole Act.
1627 c. 5 (3 Car. 1).	An Act for the Contynuance and Repeale of divers Statute.	Whole Act.
1 & 2 Geo IV. Cap. xcix.	An Act for improving and maintaining the Harbour, Pier or Cobb, at the Port and Borough of Lyme Regis, in the County of Dorset 1821.	Whole Act.
8 & 9 Geo. 5. Ch. xxxi.	Pier and Harbour Orders Confirmation Act 1918.	The whole of the Bridport Harbour Order 1918.
11 & 12 Geo. 5. Ch. lxvii.	Pier and Harbour Orders Confirmation (No. 2) Act 1921.	The whole of the Bridport Harbour Order 1921.

(**a**) Also listed as private Act c. 1 in the Chronological Table of the Private and Personal Acts.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made on the application of Dorset Council, relates to Lyme Regis, Bridport (West Bay) and Weymouth harbours. This Order modernises and consolidates the statutory harbour powers applying in relation to Lyme Regis harbour and Bridport (West Bay) harbour ('the harbours'), and provides for—

(1) The jurisdiction (article 4) and general functions (article 5) of the Council as the statutory harbour authority for the harbours and provides clarity on the limits of the harbours (article 6) including plans of the harbour limits and the harbour premises which can be inspected during office hours at the relevant harbour office located at Harbour Masters Office, The Cobb, Lyme Regis DT7 3JJ and Harbour Masters Office, Esplanade, West Bay, Bridport DT6 4HE and available via the relevant harbour website at www.lymeregisharbour.co.uk and www.bridportharbour.co.uk.

(2) Powers to vest in the Council relating to finances including application (article 7), reserve fund (article 8) and borrowing powers (article 9).

(3) A modern suite of charging powers (articles 10 to 20) including exemptions from ship, passenger and goods dues (article 18) and prevention of sailing of vessels by the harbour master (article 20).

(4) Powers of general direction and special direction to the Council and the harbour master (defined in article 2) for the regulation and management of the harbour (articles 21 to 27). A register of all in force general directions may be inspected during office hours at the relevant harbour office and on the relevant harbour website (article 21). 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 25). A defence of due diligence is available to a person charged under article 25 (article 25(2)).

(5) Modern byelaw powers (articles 28 and 29), including savings for existing directions, byelaws etc. (article 30).

(6) The establishment of one or more advisory bodies consisting of harbour stakeholders with which the Council are required to consult on material matters (article 31).

(7) Powers relating to development of land (article 32), power to grant tenancies and dispose of land (article 33), power to appropriate lands and works for particular uses, etc. (article 34), other commercial activities (article 35), and power to delegate functions (article 36).

(8) Powers relating to moorings (articles 37 to 39), bunkering (article 40), aids to navigation (article 41), power to dredge (article 42), and repairing of landing places (article 43).

(9) Powers relating to disposal of wrecks (article 44), unserviceable vessels (article 45), removal of obstructions other than vessels (article 46), and boarding of vessels or vehicles (article 47).

(10) Provisions relating to tidal works (article 48), power of the Council to prosecute or defend legal proceedings (article 49), and notices (article 50).

(11) Savings for Trinity House (article 51) and Crown Rights (article 52).

(12) To facilitate that above, the Order repeals and revokes the Acts and Orders (article 55) set out in Schedule 3.

(13) The Order also modernises the power of general direction granted in respect of Weymouth Harbour in the Weymouth Harbour Revision Order 2021 and makes other minor amendments to that Order (article 54 and Schedule 2). It also provides for a restriction of section 33 of the Harbours, Docks and Piers Clauses Act 1847 ('the Open Port Duty'), in its application to Weymouth harbour so that the duty only applies to vessels up to 24 metres in length (article 53(1)). It also provides that the Open Port Duty does not apply to the area shaded red on the peninsula plan (article 53(2)).

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 together with a copy of the harbour limits plans, the harbour premises plans and the peninsula plan is available alongside the instrument on the UK legislation website at www.legislation.gov.uk.

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