EXPLANATORY MEMORANDUM TO

THE LYME REGIS, BRIDPORT (WEST BAY) AND WEYMOUTH HARBOUR REVISION ORDER 2026

2026 No. 62

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Marine Management Organisation ("the MMO") and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Michelle Willis, Acting Chief Executive Officer at the MMO confirms that this Explanatory Memorandum meets the required standard.

2.2 Trudi Wakelin, Director of Marine Development (Domestic and International) at the MMO confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 David Morris at the MMO can be contacted by email at the following address with any queries regarding the instrument: harbourorders@marinemanagement.org.uk. Alternatively, the department can be contacted by telephone: 0300 123 1032.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 The purpose of this instrument is to grant Dorset Council ("the Council") power as the Statutory Harbour Authority to modernise the legislation applying in relation to Lyme Regis Harbour, Bridport (West Bay) Harbour and Weymouth Harbour (together "the Harbours") so that it is conducive to the efficient and economical operation, maintenance, management and improvement of the Harbours.

4.2 The role of the Statutory Harbour Authority is to manage, regulate and maintain a harbour to ensure safe, efficient and environmentally responsible navigation and use.

4.3 The instrument will also disapply Section 33 of the Harbours, Docks and Piers Clauses Act 1847[1] (known as "the Open Port Duty") to vessels over 24 metres within Weymouth Harbour and disapply the Open Port Duty entirely on the Weymouth Peninsula to allow the Council to develop the peninsula site, as shaded red on the peninsula plan deposited with this instrument. This is in line with the Harbours Business Plan[2] and the government funding commitments.

4.4 In addition, this instrument makes provisions for the Council to grant tenancies and to extend the limits of the Lyme Regis and Bridport (West Bay) harbours to include

[1] Harbours, Docks and Piers Clauses Act 1847: https://www.legislation.gov.uk/ukpga/Vict/10-11/27/section/33.
[2] The Harbours Business Plan may be inspected during office hours at the principal office of the Council at 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.

those parts of the respective harbours' premises currently outside the existing respective harbour limits.

Where does the legislation extend to, and apply?

4.5 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.6 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England only.

5. Policy Context

What is being done and why?

5.1 The Harbours are Municipal Ports, managed by the Council using the existing local legislation applying to the Harbours.

5.2 Local legislation relating to the Lyme Regis and Bridport (West Bay) harbours is being amended or repealed to ensure that these harbours will be governed by identical statutory provisions, which will significantly improve the efficient and economic operation and management of these harbours. This instrument also modernises the powers of general direction granted in respect of Weymouth Harbour together with other minor amendments, and restriction of the Open Port Duty to enable the efficient and economic operation and management of Weymouth Harbour.

5.3 At the time of the Council's application for this instrument, the relevant published guidance was the Port Marine Safety Code[3] ("the PMSC") issued by the Department for Transport ("the DfT"), which set out a national standard for all aspects of port marine safety.

5.4 In April 2025, the DfT published an updated PMSC, entitled Ports & Marine Facilities Safety Code ("the Code"). The Code is available to view online[4] and a hard copy of the Code is available for inspection on application to the DfT[5]. The Code provides updated policy guidance that continues to uphold and reinforce the core principles of the PMSC.

5.5 The MMO has reviewed the Code and is satisfied that it remains consistent with the established safety and operational standards promoted by the PMSC. Accordingly, the MMO considers that the changes made by the Council align with the Code and the decision to make this instrument is appropriate and justified.

5.6 The PMSC identified a number of tasks which harbour authorities should undertake in order to comply with the PMSC, including reviewing and being aware of existing powers based on local and national legislation. It advised that harbour authorities should seek additional powers if the existing powers are insufficient to meet their obligations to provide safe navigation. In particular, paragraph 2.5 of the PMSC stated that:

[3] Port Marine Safety Code 2016: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1032153/port-marine-safety-code.pdf.
[4] Ports & Marine Facilities Safety Code 2025: https://assets.publishing.service.gov.uk/media/67fd175bed87b81608546666/port-marine-safety-code.pdf.
[5] Department for Transport, Maritime Navigation Safety & Wrecks, Great Minster House, 33 Horseferry Road, London SW1P 4DR.

"…*harbour authorities would be well advised to secure powers of general direction or harbour direction to support the effective management of vessels in their harbour waters if they do not have them already*".

5.7 The Council conducted a review of the existing Harbours' legislation and identified a need to confer additional powers on itself to assist in the management of the Harbours in compliance at the time with the PMSC.

5.8 This instrument sets out the Council's functions in respect of the Harbours and authorises the Council to improve, maintain, regulate, manage, mark and light the Harbours and provide facilities; carry out various activities related to works, structures and equipment at the Harbours and to facilitate the proper operation, improvement, development and future viability of the Harbours to be compliant with the Code.

5.9 This instrument also consolidates, modernises and extends the powers of the Council for the Harbours. It includes powers in relation to general directions, byelaws, regulation of moorings, and control of bunkering in the Harbours to ensure the safe and economical management of activities within the Harbours in compliance with the Code.

5.10 This instrument grants the Council a power to give special directions to vessels to meet the obligations for navigational safety under the Code.

5.11 The Council also conducted a review of their powers and responsibilities at Weymouth Harbour. It determined that because large ferries have not used Weymouth Harbour since 2015, the requirements under the Open Port Duty for the Harbour to remain open for the "*shipping and unshipping of goods, and the embarking and landing of passengers*"[6] for all vessels regardless of size, were no longer relevant.

5.12 This instrument therefore disapplies the Open Port Duty in respect of vessels exceeding 24 metres in length within Weymouth Harbour and on the Weymouth Peninsula. This instrument gives the Council flexibility to accept larger vessels on an ad hoc basis and ensures that the Council no longer has to maintain the infrastructure for large vessels on the Weymouth Peninsula thereby releasing land for regeneration projects.

5.13 The Ports Good Governance Guidance ("the PGGG") published by the DfT sets out principles of openness, accountability and fitness for purpose in managing harbours in the broad public interest. The PGGG is available to view online[7], a hard copy of the PGGG is available for inspection on application to the DfT.

5.14 The instrument's inclusion of measures to manage surplus funds and to allow the Council to enter into confidential commercial agreements with customers is in accordance with the governance requirements of the PGGG.

5.15 The instrument's inclusion of provisions in articles 32 and 35 regarding the development of land and other commercial activities provide the Council with a specific power to act via a company for the purposes of the Lyme Regis and Bridport (West Bay) harbours. This removes any doubt as to whether a Council in its capacity as Statutory Harbour Authority can rely on its local legislation or its general local government powers for such purposes.

[6] Section 33 of the Harbours, Docks and Piers Clauses Act 1847: https://www.legislation.gov.uk/ukpga/Vict/10-11/27/section/33.
[7] The Ports Good Governance Guidance: https://assets.publishing.service.gov.uk/media/5f624ee08fa8f510664dc460/ports-good-governance-guidance.pdf

5.16 The MMO is the regulatory authority responsible for determining applications for harbour revision orders under the Harbours Act 1964 (c.40) ("the Act"). The MMO must review, consult on, and decide whether to approve, modify, or reject proposed changes to harbour powers or boundaries, ensuring they are legal, justified, and in the public interest.

5.17 In accordance with Section 58(3) (decisions affected by marine policy documents) of the Marine and Coastal Access Act 2009 (c.23), the MMO must also ensure that proposals align with the relevant marine plan. The South Marine Plan ("the Marine Plan") was considered as the appropriate marine policy when making a determination on this application. The Marine Plan is available to view online[8] and a hard copy of the Marine Plan is available for inspection on application to the MMO[9].

5.18 The MMO's assessment of the applications in relation to the policies of the Marine Plan, and its conclusion that this application is compliant with the Marine Plan, is available to view on the Harbour orders public register, Lyme Regis and Bridport (West Bay) Harbour Revision Order application[10] and the Weymouth Harbour Revision Order application[11].

What was the previous policy, how is this different?

5.19 There have been no substantive changes to existing policy apart from the Code referred to in 5.4 above. This instrument does not introduce new policy requirements or change the policy framework. This instrument is necessary to ensure continued compliance of the Harbours with existing policy.

6. Legislative and Legal Context

How has the law changed?

6.1 The Council applied for two separate harbour revision orders.

6.2 The Council applied to the MMO on 8th July 2020 for the Lyme Regis and Bridport (West Bay) Harbour Revision Order.

6.3 The Council applied to the MMO on 6th January 2025 for the Weymouth Harbour Revision Order.

6.4 At the request of the Council, the orders have been amalgamated into a single harbour revision order.

6.5 The responsibility for the consideration of the applications, and the making of any harbour revision order, passed to the MMO by virtue of the Harbours Act 1964 (Delegation of Functions) Order 2010 (S.I. 2010/674) which delegated the Secretary of State's functions under Section 14 (minister's powers, on application of harbour authorities to make orders) of the Act to the MMO except in relation to specified applications.

6.6 This instrument gives the Council updated powers to issue general and special directions and sets out the consequences of failing to comply with general and special

[8] MMO South Marine Plan: https://www.gov.uk/government/collections/south-marine-plans.
[9] Marine Management Organisation Harbour Orders Team, Tyneside House, Skinnerburn Road, Newcastle Business Park, Newcastle upon Tyne NE4 7AR.
[10] MMO Harbour orders public register: https://www.gov.uk/government/publications/the-lyme-regis-and-bridport-harbour-revision-order.
[11] MMO Harbour orders public register: https://www.gov.uk/government/publications/weymouth-harbour-revision-order-2025.

directions in the Lyme Regis and Bridport (West Bay) harbours. This instrument also modernises the powers of general direction at Weymouth harbour.

6.7 This instrument also clarifies the harbours' limits to expressly include harbour premises in Lyme Regis and Bridport (West Bay) harbours.

6.8 This instrument amends the Open Port Duty requirements in relation to Weymouth Harbour disapplying it to vessels exceeding 24 metres in length within Weymouth Harbour and on the Weymouth Peninsula.

Why was this approach taken to change the law?

6.9 This approach is the sole legal mechanism available to implement the necessary changes to the existing local legislation.

7. Consultation

Summary of consultation outcome and methodology for the Lyme Regis and Bridport (West Bay) Harbour Revision Order

7.1 In accordance with paragraph 10(1) of Schedule 3 to the Act, notice of the Lyme Regis and Bridport (West Bay) Harbour Revision Order application was placed in the London Gazette on 26th January 2023, as well as in the Dorset Echo on 26th January 2023 and 2nd February 2023. The notices set out details of the application and the process for submitting objections or representations.

7.2 The application and all associated documents were made available for public inspection at the offices of the applicant[12] and the MMO's office, by prior appointment. The documents were also published on the MMO's website[13].

7.3 In addition, the MMO consulted by email with other organisations it considered to have an interest in the proposed instrument. Full details of the consultation, including a list of consultees are provided in the MMO's published decision letter, available to view online on the MMO's website. A hard copy of the decision letter is available for inspection on application to the MMO.

7.4 The consultation period ran from 26th January 2023 to 9th March 2023, the statutory period of 42 days under Schedule 3 to the Act.

7.5 The MMO received one objection from the Royal Yachting Association ("RYA"). The RYA had concerns regarding the wording of Article 45 relating to unserviceable vessels on land. The reference to *'land'* was removed from the Article 45 and the RYA formally withdrew their objection.

7.6 No other objections, save for that referred to in paragraph 7.5 or representations were received in relation to this instrument, from those consulted.

7.7 No objections or representations were received in relation to this instrument from members of the public within the statutory consultation period.

Summary of consultation outcome and methodology for the Weymouth Harbour Revision Order

7.8 In accordance with paragraph 10(1) of Schedule 3 to the Act, notice of the Weymouth Harbour Revision Order application was placed in the London Gazette on 20th June

[12] Dorset Council, County Hall, Colliton Park, Dorchester, Dorset DT1 1XJ
[13] MMO Harbour orders public register: https://www.gov.uk/government/publications/the-lyme-regis-and-bridport-harbour-revision-order.

2025, as well as in the Dorset Echo on 20th June 2025 and 27th June 2025. The notices set out details of the application and the process for submitting objections or representations.

7.9 The application and all associated documents were made available for public inspection at the offices of the applicant at Weymouth Harbour Office, 13 Custom House Quay, Weymouth, Dorset DT4 8BG and the MMO's office, by prior appointment. The documents were also published on the MMO's website[14].

7.10 In addition, the MMO consulted by email with other organisations it considered to have interest in the proposed instrument. Full details of the consultation, including a list of consultees are provided in the MMO's published decision letter, available to view online on the MMO's website. A hard copy of the decision letter is available for inspection on application to the MMO.

7.11 The consultation period ran from 20th June 2025 to 1st August 2025, the statutory period of 42 days under Schedule 3 to the Act.

7.12 No objections or representations were received either from those consulted or from members of the public, in relation to this instrument, within the statutory consultation period.

7.13 In determining the request to amalgamate the orders, the MMO considered the responses received from consultees, the Council's replies and the information provided in the formal application. The MMO was satisfied that the making of this instrument is desirable in the interests of securing the improvement, maintenance and management of the Harbours.

8. Applicable Guidance

8.1 The MMO does not propose to issue guidance on the effects of this instrument. Details of the existing legislative framework and documents published on the MMO's public register for both the Lyme Regis and Bridport (West Bay) Harbour Revision Order[15] and the Weymouth Harbour Revision Order[16] remain sufficient to understand the effects of this instrument. Additionally, the Council will publish particulars of this instrument in accordance with paragraph 24 of Schedule 3 to the Act.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because the instrument falls outside of scope of the Better Regulation Framework[17] as it has no direct impact on businesses and because the provisions of this instrument are updating the powers of the Council to ensure effective management of the Harbours.

[14] MMO Harbour orders public register: https://www.gov.uk/government/publications/weymouth-harbour-revision-order-2025.
[15] MMO Harbour orders public register: https://www.gov.uk/government/publications/the-lyme-regis-and-bridport-harbour-revision-order.
[16] MMO Harbour orders public register: https://www.gov.uk/government/publications/weymouth-harbour-revision-order-2025.
[17] Better Regulation Framework: https://www.gov.uk/government/publications/better-regulation-framework.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because the measures in this instrument relate to the management of the Harbours.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector because the measures in this instrument relate to the management of the Harbours.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The MMO will not actively monitor or review effects of this legislation. However, it will consider any representations received and may take these into account in the future exercise of its powers.

10.2 The instrument does not include a statutory review clause. The Council in its management of the Harbours is required to conduct reviews of its existing powers periodically to ensure it meets its obligations in accordance with the Code and where necessary to seek additional powers to fulfil those obligations.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 This instrument makes amendments to the Weymouth Harbour Revision Order 2021 (S.I. 2021/43), which was reported by the Joint Committee on Statutory Instruments in their report of the Forty-Fourth Report of Session 2019 - 21[18]. Amendments have been made to address the issues raised by the Committee.

12. European Convention on Human Rights

12.1 As this instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts") and does not relate to the withdrawal of the United Kingdom from the European Union.

[18] Forty-Fourth Report of Session 2019–21: https://committees.parliament.uk/publications/5145/documents/50783/default/.