STATUTORY INSTRUMENTS

1975 No. 1273

HARBOURS, DOCKS, PIERS AND FERRIES

Milford Haven Conservancy (Wreck Removal) Revision Order 1975

Made - - - -	21*st April* 1975
Laid before Parliament	20*th May* 1975
Coming into Operation	30*th June* 1975

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

Citation and commencement

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

(2) The Milford Haven Conservancy Act and Orders 1958 to 1969 and this Order may be cited together as the Milford Haven Conservancy Act and Orders 1958 to 1975.

Interpretation

2.—(1) In this Order—

"the Act of 1958" means the Milford Haven Conservancy Act 1958(d); and the words and expressions defined in the Act of 1958 shall, unless the context otherwise requires, have the same meaning in this Order.

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

(a) 1964 c. 40.
(b) S.I. 1970/1681 (1970 III, p. 5551).
(c) 9 & 10 Geo. 6, c. 18; 1965 c. 43.
(d) 1958 c. 23.
(e) 1889 c. 63.

As to harbourmaster's powers

3.—(1) The harbourmaster may remove or have removed any vessel which is sunk, stranded or abandoned within the haven, or the approaches thereto, which impedes the navigation thereof, and the expense of removing any such vessel shall be repaid by the owner of the same, and the harbourmaster may detain such vessel for securing the expenses, and on non-payment of such expenses, on demand, may sell such vessel, and out of the proceeds of such sale pay such expenses, rendering the overplus, if any, to the owner on demand.

(2) The harbourmaster may give directions with respect to all matters dealt with by the foregoing subsection provided always that nothing in this Article shall authorise the harbourmaster to do or cause to be done any act in any way repugnant to or inconsistent with any law relating to the Customs or any regulations of the Commissioners of Customs and Excise.

(3) The provisions of subsection (4) of section 1 of the Act of 1958 shall not apply to this Article except in respect of the enclosed waters of the Milford Docks Company docks and so much of the waters of the haven as fall within 30 metres of the walls enclosing those waters and so much of the waters of the haven that may become at any time within an area wholly enclosed by any wet or dry dock installations or wet basin which has been lawfully constructed by the Milford Docks Company.

(4) Except in a case which is, in the opinion of the harbourmaster, a case of emergency, the Harbourmaster shall, before removing or having removed under the powers conferred upon him by this Article any vessel sunk, stranded or abandoned within the haven or in or near any approach thereto and within a distance of two hundred metres of any subaqueous cable belonging to or used by the Post Office give to the Post Office in writing as long notice as is practicable of his intention to do so.

Penalty for not complying with the directions of the harbourmaster

4. Any person who fails to comply with any direction lawfully given by the harbourmaster under this Order shall be liable on summary conviction to a fine not exceeding fifty pounds.

Amendments to section 9 of Act of 1958

5.—(1) Section 9 of the Act of 1958 shall be amended by the addition, at the end of subsection (2), of the following:—

"and the Board may detain such obstruction, impediment or vessel for securing the expenses, and on non-payment of such expenses on demand may sell such obstruction, impediment or vessel and out of the proceeds pay such expenses, rendering the overplus, if any, to the owner on demand.".

(2) Section 9 of the Act of 1958 shall be amended by the substitution in subsection (3), of the words "one hundred pounds" for the words "ten pounds".

Officers of the Board

6. Paragraph 9 of the First Schedule to the Act of 1958, shall be repealed and there shall be substituted:-

"9. The Board shall appoint a Secretary and such other officers or servants as they may think necessary or expedient on such terms and conditions as they think fit including such harbourmasters as they think necessary and in this Act, in the Milford Haven Conservancy (Wreck Removal) Revision Order 1975 and in any byelaws made by the Board the expression "the harbourmaster" shall mean such harbourmasters and with respect to all acts authorised or required to be done by such harbourmasters shall include their deputies and assistants and any other person authorised in writing by the Board to assist them or to perform the duties of harbourmaster.".

Byelaws of 1973

7. The Milford Haven Conservancy (Harbour) Byelaws 1973 shall take effect as if they had been made under the Act of 1958 as amended by this Order.

Costs of Order

8. All costs, charges and expenses of, or in connection with, the preparation, submission and making of this Order shall be paid by the Board.

Fred Mulley,
Minister for Transport,
Department of the Environment.

Signed by authority of
the Secretary of State
21st April 1975.

EXPLANATORY NOTE

(This Note is not part of the Order.)

The Order gives power to the Board's harbourmaster with regard to the removal of any vessel which is sunk, stranded or abandoned within the haven or the approaches thereto and which impedes the navigation thereof and provision is also made for the repayment, by the owner of the vessel, of the expense of removing the same.

The Order also provides for the amendment of section 9 of the Act of 1958 by the addition of words to subsection (2) of that section relating to the detainning of any such obstruction, impediment or vessel and for securing the repayment of the expenses incurred in the removal of the same. Amendment is also made to subsection (3) of the said section 9 by increasing the fine to one hundred pounds.

The Order repeals paragraph 9 of the First Schedule to the Act of 1958 and substitutes therefor a new paragraph 9 which relates to the appointment by the Board of officers and servants including such harbourmasters as the Board think necessary and defines the expression "harbourmaster".

The Order further provides the Milford Haven Conservancy (Harbour) Byelaws 1973 shall take effect as if they had been made under the Act of 1958 as amended by this Order.

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