STATUTORY INSTRUMENTS

2026 No. 724

HARBOURS, DOCKS, PIERS AND FERRIES

The Poole Harbour Revision Order 2026

Made - - - -	*30th June 2026*
Laid before Parliament	*2nd July 2026*
Coming into force	*23rd July 2026*

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The Poole Harbour Commissioners have applied for a harbour revision order in accordance with subsection 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 subsection 14(2)(b), and in exercise of the powers conferred by subsections 14(1), (2A) 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 Poole Harbour Revision Order 2026 and comes into force on 23rd July 2026.

(2) This Order extends to England and Wales.

Interpretation

2.—(1) In this Order—

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

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

"the 1999 Order" means the Poole Harbour Revision Order 1999(**h**);

"the 2001 Order" means the Poole Harbour Revision Order 2001(**i**);

"the 2012 Order" means the Poole Harbour Revision Order 2012(**j**);

"the 2015 Order" means the Poole Harbour (Works) Revision Order 2015(**k**);

"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 harbour which are not constituted of land covered by water at the level of low water;

(**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**) 1964 c. 40.

(**g**) 1995 c. 21.

(**h**) S.I. 1999/403.

(**i**) S.I. 2001/2820.

(**j**) S.I. 2012/1777.

(**k**) S.I. 2015/1390.

"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;

"commissioner" means a person appointed to the Commissioners in accordance with article 4(2) or who continues in office under article 6;

"the Commissioners" means the Poole Harbour Commissioners whose incorporation is continued under article 4 (incorporation and constitution of the Commissioners);

"electronic communications network" has the meaning given by section 32 of the Communications Act 2003(**a**) (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;

"existing chair" means the person appointed in accordance with paragraph A1 of Schedule 2 to the 2001 Order;

"existing vice-chair" means the person who is holding that office immediately before the date of this Order;

"general direction" means, except in article 19, a direction given under article 13 (power to give general directions as to the use of the harbour, etc.);

"harbour" means Poole harbour as described in article 4 (area of the harbour) of and Schedule 1 (harbour limits) to the 2012 Order;

"the Harbour Advisory Group" means the body or bodies established in accordance with article 21 (advisory bodies);

"harbour functions" means the powers and duties at and in connection with the harbour undertaking, including those contained within the 1964 Act and the 1995 Act;

"the harbour master" means any person appointed as such by the Commissioners, and includes the duly authorised deputies and assistants of the harbour master and any other person authorised by the Commissioners 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 harbour or any part of the harbour;

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

"harbour premises" has the same meaning as in article 2 of the 2012 Order;

"harbour premises map" means the map prepared in duplicate, signed on behalf of the Marine Management Organisation and marked "Signed harbour premises map referred to in the Poole

(**a**) 2003 c. 21.

Harbour Revision Order 2026", one copy of which is deposited at the office of the Marine Management Organisation(**a**) and the other at the harbour office(**b**);

"the harbour undertaking" means the undertaking carried on by the Commissioners at and in connection with the harbour authorised by this Order and the Poole Harbour Orders 1999 to 2015;

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

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

"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);

"Poole Harbour Orders 1999 to 2015" means the 1999 Order, the 2012 Order and the 2015 Order;

"special direction" means a direction given under article 14 of the 2012 Order or under section 52 of the Harbours, Docks and Piers Clauses Act 1847(**c**);

"statutory undertaker" means—

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

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

(c) any operator of an electronic communications network;

"tidal work" means so much of any works within the harbour 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(**f**);

"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(**g**), 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 subsection 313(1) of the 1995 Act.

(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**) The Marine Management Organisation, Tyneside House, Skinnerburn Road, Newcastle Business Park, Newcastle upon Tyne NE4 7AR.
(**b**) Poole Harbour Commissioners, Harbour Office, 20 New Quay Road, Poole BH15 4AF.
(**c**) 1847 c. 27.
(**d**) 1990 c. 8.
(**e**) 1949 c. 74; section 1 was amended by the Local Government Act 1972 (c. 70), Schedule 30.
(**f**) The Corporation of Trinity House, Tower Hill, London EC3N 4DH.
(**g**) 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) References in the Poole Harbour Orders 1999 to 2015 to the "harbour undertaking" are to be construed as having the same meaning as "harbour undertaking" as defined in article 2(1) of this Order.

Incorporation of provisions of the Commissioners Clauses Act 1847

3.—(1) Sections 53, 60 and 101 only of the Commissioners Clauses Act 1847(**a**) are incorporated with this Order, subject to the modifications stated in paragraphs (2) to (4).

(2) Section 60 (commissioners not to be personally liable and to be indemnified for acts done) applies to officers of the Commissioners as it applies to commissioners.

(3) Section 101 (authentication of notices and orders) has effect subject to the modification that the words "shall be sufficiently authenticated if signed by two commissioners, or by the clerk of the commissioners, and it" and ", and the same may be in writing or in print, or partly in writing and partly in print" are omitted.

(4) In construing the provisions of the Commissioners Clauses Act 1847 as incorporated with this Order, the expression "the special Act" means this Order.

PART 2

CONSTITUTION OF THE COMMISSIONERS

Incorporation and constitution of the Commissioners

4.—(1) The Commissioners are and continue to be incorporated as a body corporate with perpetual succession and a common seal.

(2) Subject to articles 6 (transitional provisions), 7 (terms of office of subsequent commissioners), 8 (additional commissioners), 9 (declaration to be made by commissioners) and 10 (casual vacancies), the Commissioners consist of—

(a) ten commissioners appointed by the selection panel;

(b) the Chief Executive; and

(c) an officer of the Commissioners appointed by the chair after consultation with the Chief Executive.

(3) Each commissioner appointed under sub-paragraph (2)(a) must be a person who appears to the selection panel to have special knowledge, experience or ability appropriate to the efficient, effective and economic discharge by the Commissioners of their harbour functions including special knowledge, experience or ability in one or more of the following matters—

(a) commerce;

(b) maritime activities;

(c) health and safety;

(d) management;

(e) public relations and community issues;

(f) knowledge and understanding of the harbour and its surrounding area;

(g) industrial relations;

(h) harbour operations, shipping, fishing or cargo handling;

(i) accountancy or financial management;

(**a**) 1847 c. 16.

(j) boating and other water related leisure activities;

(k) environmental matters affecting harbours;

(l) any other skills and abilities considered by the Commissioners to be relevant to the discharge by the Commissioners of their harbour functions.

(4) The selection panel must also secure, so far as reasonably practicable, that, together, the persons appointed by it have special knowledge, experience and ability in a broad and complementary range of matters relevant to the efficient, effective and economic discharge by the Commissioners of their harbour functions.

(5) In making an appointment under sub-paragraph (2)(a), or article 10(1) (casual vacancies), the selection panel must act in accordance with any relevant guidance issued by the Secretary of State.

Selection panel

5.—(1) The selection panel consists of—

(a) the chair;

(b) two persons appointed by the chair, at least one of which must not be a commissioner.

(2) The Chief Executive must not be a member of the selection panel but may advise the selection panel.

(3) In making an appointment under article 4(2)(a), or filling such an appointment under article 10 (casual vacancies), the selection panel must—

(a) have regard to the advice of the Chief Executive; and

(b) consult with the Commissioners.

Transitional provisions

6.—(1) Subject to article 11 (removal of commissioners) and paragraphs 5 and 8 of Schedule 2 (incidental provisions relating to the Commissioners)—

(a) the existing chair who holds the office at the date of the coming into force of this Order continues in office until the end of their current term;

(b) the existing vice-chair who holds the office at the date of the coming into force of this Order continues in office until the end of their current term;

(c) the other commissioners appointed under article 4(1)(b) and (c) and article 4(2) of the 2001 Order continue in office until the end of their current terms.

(2) In Schedule 2, except in paragraphs 1 to 4, references to—

(a) "the chair" are to be construed as including a reference to the existing chair;

(b) "the vice-chair" are to be construed as including a reference to the existing vice-chair.

Terms of office of subsequent commissioners

7. A person appointed under article 4(2)(a) or (c) holds office for a period of three years following their appointment or for such lesser period as the Chief Executive and chair may specify for the purposes of ensuring that no more than four terms end in any calendar year, subject to articles 9 (declaration to be made by commissioners) and 11 (removal of commissioners) and paragraphs 8 and 9(4) of Schedule 2 (incidental provisions relating to the Commissioners), unless they have been appointed to fill a casual vacancy.

Additional commissioners

8. The Commissioners if they see fit may at any time appoint up to two additional commissioners for a fixed term of up to twelve months.

Declaration to be made by commissioners

9. No person can act as a commissioner until they have made the declaration set out in Schedule 1 (form of declaration), or a declaration to that effect.

Casual vacancies

10.—(1) A casual vacancy arising in the office of a commissioner appointed under article 4(2)(a) must, if reasonably practicable to do so, be filled by the appointment of a commissioner by the selection panel in accordance with the requirements of article 4(3) to (5).

(2) A casual vacancy arising in the office of a commissioner appointed under article 4(2)(c) must, if reasonably practicable to do so, be filled by the appointment of an officer of the Commissioners by the chair after consultation with the Chief Executive.

(3) A person appointed to fill a casual vacancy under this article, subject to articles 9 (declaration to be made by commissioners) and 11 (removal of commissioners) and paragraph 8 of Schedule 2 (incidental provisions relating to the Commissioners), holds office for the remainder of the term of the commissioner in whose place that person has been appointed.

Removal of commissioners

11.—(1) The Commissioners may declare the office of a commissioner, except the Chief Executive, to be vacant if the Commissioners are satisfied that the commissioner—

(a) has without the permission of the Commissioners been absent from the meetings of the Commissioners for the longer of—

(i) a period during which three consecutive meetings have been held,

(ii) a period of four consecutive months;

(b) has become bankrupt or made an arrangement with creditors;

(c) is incapacitated by physical or mental illness from discharging the functions of a commissioner; or

(d) is otherwise unable, unwilling or unfit to discharge the functions of a commissioner.

(2) Upon a declaration being made under paragraph (1), the relevant commissioner ceases to hold office as a commissioner.

Incidental provisions relating to the Commissioners

12. The provisions of Schedule 2 (incidental provisions relating to the Commissioners) have effect with respect to the Commissioners and each commissioner.

PART 3

GENERAL DIRECTIONS

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

13.—(1) The Commissioners may, in accordance with the requirements of article 14 (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 Commissioners may amend or revoke a direction given under paragraph (1).

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

Procedure for giving, amending or revoking general directions

14.—(1) Subject to paragraph (7), if the Commissioners propose to give, amend or revoke a general direction, they 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 they consider 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 Commissioners regarding the proposal;

(d) have regard to all representations made during consultation;

(e) following consultation, give notice in writing to the designated consultees, and to those other persons that have provided a representation, confirming whether the Commissioners propose to proceed with the proposal and, if so, specifying whether they are making any modifications to the proposal and their reasons for doing so; and

(f) if the Commissioners propose 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 Commissioners may specify.

(2) Where the Commissioners have complied with paragraph (1), they 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 to the proposal in accordance with sub-paragraph (1)(f); or

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(**a**) The public register of all in force general directions may be inspected during office hours at the harbour office located at Poole Harbour Commissioners, Harbour Office, 20 New Quay Road, Poole BH15 4AF and available via the harbour website at www.phc.co.uk.

(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 Commissioners that they maintain their representations against the proposal—

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

(i) by agreement between the Commissioners 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 at a hearing by, the adjudicator, and

(ii) make a written report to the parties with findings and recommendations on the issue; and

(c) the Commissioners must decide whether to exercise the power to give, amend or revoke the general direction having regard to the adjudicator's report (but they are not bound to give effect to any recommendations) and, once they have decided, must give notice in writing to the designated consultees and to any other person that provided a representation of their 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 Commissioners wish 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), they 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 Commissioners propose 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 Commissioners 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 Commissioners consider 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 Commissioners proceed to give or amend a general direction in accordance with paragraph (7), they 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 Commissioners determining that the direction or amendment should remain in force.

Publication of general directions

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

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

Failure to comply with general directions

16.—(1) A person who fails to comply with a general 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.

Master's responsibility in relation to general directions

17. The giving of a general 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.

Boarding of vessels and vehicles

18.—(1) A duly authorised officer of the Commissioners may, on producing their authority if asked, enter and inspect a vessel or vehicle in the harbour for the purposes of any enactment relating to the harbour undertaking, including enforcement.

(2) Such advance notice as is reasonably practicable in the circumstances must be served on the owner or master of the vessel or the owner of the vehicle before a duly authorised officer of the Commissioners enters and inspects a vessel or vehicle under paragraph (1) except—

(a) in an emergency; or

(b) where the giving of advance notice would obstruct the purpose of exercising the power.

(3) If the owner or master of the vessel or the owner of the vehicle cannot be identified after reasonable enquiries have been made, notice may be served by affixing it to the vessel or vehicle.

Saving for existing directions, byelaws etc.

19. Any general direction made under the 2012 Order, special direction, byelaw, regulation, licence, lease, consent or other agreement made, issued, entered into or granted by the Commissioners in relation to the harbour undertaking and in force immediately before this Order comes into force continues to have effect, notwithstanding the amendments set out in articles 38 to 40 and the revocations and repeals set out in article 41 and Schedule 3.

PART 4

MISCELLANEOUS AND GENERAL

Harbour premises

20.—(1) The harbour premises shown on the harbour premises map are deemed to be operational land within the meaning and for the purposes of the Town and Country Planning Act 1990(**a**).

(2) The extent of the harbour premises at the date of this Order is shown for illustrative purposes shaded green on the harbour premises map.

(3) In the event of any discrepancy between the description of the harbour premises and the boundaries shown on the harbour premises map, or any illustrative plan required under paragraph (4), the description prevails over the said map or plan.

(4) The Commissioners must keep and make available for inspection at the harbour office and on the harbour website the harbour premises map and, in the event or any alterations to the extent of the harbour premises, an illustrative plan reflecting the extent of those alterations(**b**).

(5) Any illustrative plan required under paragraph (4) must be made available within the period of 30 days beginning with the day on which the alterations are made.

Advisory bodies

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

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

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

(5) Appointments to any advisory body established under this article must be made by the Commissioners in accordance with a scheme prepared by them for that purpose(**c**), and the scheme must provide for the appointment of persons who, in the opinion of the Commissioners, are representative of persons having an interest in the functioning of the harbour.

(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 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 advisory body established under this article may resign their office at any time by notice in writing given to the Commissioners.

(**a**) 1990 c. 8; "operational land" is defined in section 263, which section is subject to section 264.

(**b**) The map or plan may be inspected during office hours at the harbour office located at Poole Harbour Commissioners, Harbour Office, 20 New Quay Road, Poole BH15 4AF and is available via the harbour website at www.phc.co.uk.

(**c**) The scheme may be inspected during office hours at the harbour office located at Poole Harbour Commissioners, Harbour Office, 20 New Quay Road, Poole BH15 4AF and is available via the harbour website at www.phc.co.uk.

Other commercial activities

22.—(1) The Commissioners may, in addition to any other powers conferred on the Commissioners 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 either or both of the following—

(i) subject to article 23 (power to delegate functions), carrying on any part of the harbour undertaking, or

(ii) 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 Commissioners would not themselves have the power to do that thing.

Power to delegate functions

23. The Commissioners may delegate the performance of any of their harbour functions, other than the functions set out in sub-paragraphs (a) to (f) of paragraph 9B of Schedule 2 to the 1964 Act, to any company referred to in article 22(1)(b) of this Order or in article 53 of the 2012 Order (development, etc., of land).

Bunkering

24.—(1) The Commissioners may grant to a person with or without conditions a licence to carry out commercial refuelling activities in the harbour.

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

(5) Any person who without reasonable excuse carries out or permits a commercial refuelling activity in the harbour, except in accordance with a licence issued by the Commissioners 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

25.—(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 Commissioners may erect, place, alter, discontinue or remove any aid to navigation in any place adjacent to the harbour.

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

Power to dredge

26.—(1) The Commissioners may, as appears to them to be necessary or desirable for the purposes of the harbour undertaking, deepen, widen, dredge, scour, cleanse, alter and improve the harbour below the level of high water.

(2) Subject to paragraph (3), all materials dredged up or removed by the Commissioners in exercise of the powers of this article are deemed to be the property of the Commissioners and may be used, sold, deposited or otherwise disposed of as the Commissioners may think fit.

(3) Materials dredged up or removed by the Commissioners 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.

27.—(1) The Commissioners may serve a notice on the owner, lessee or occupier of a relevant feature requiring them to remedy its condition to the Commissioners' reasonable satisfaction within a reasonable time, not being less than 21 days, specified in the notice where, in the opinion of the Commissioners, 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 harbour; or

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

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

(a) sufficient detail to identify the relevant feature;

(b) the reason why the Commissioners consider 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 Commissioners 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.

(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 Commissioners copies of the notice of the appeal and the statement of appeal within 7 days of lodging, and the Commissioners 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) Sub-paragraph (3)(a) does not apply to The Bournemouth-Swanage Motor Road and Ferry Company(**a**).

(10) In this article—

(a) "owner", "lessee" and "occupier" 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",

(**a**) The principal place of business of which is Ferry Office, Shell Bay, Studland, Swanage, Dorset BH19 3BA.

"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, groyne, aid to navigation or other work in the harbour or on land immediately adjoining the land below the level of high water in the harbour, other than one under the control or management of the Commissioners.

Restriction of works and dredging

28.—(1) Subject to paragraph (4), no person other than the Commissioners may, on, under, in or over tidal waters or land below the level of high water in the harbour—

(a) construct, maintain, retain, alter, renew or extend any works, except in accordance with a works licence granted under article 30 (licensing of works);

(b) dredge, except in accordance with a dredging licence granted under article 31 (licence to dredge).

(2) The Commissioners may serve a notice on any person who contravenes this article to remove, abate, or rectify, within a reasonable time specified in the notice, any work, operation or omission to which the contravention relates and to restore the site to its former condition.

(3) If a person served with a notice under paragraph (2) fails to comply with the requirements of the notice, the Commissioners may carry out the works so required and may recover the costs incurred from that person.

(4) Nothing in this article applies to any operations or works—

(a) specifically authorised by any enactment;

(b) of a statutory undertaker;

(c) authorised by a moorings licence granted under article 10 of the 2012 Order (licensing of moorings).

(5) Any person who without reasonable excuse contravenes this article is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Control of certain operations and works of statutory undertakers

29.—(1) This article applies to any operations or works in the harbour of a statutory undertaker on, under, in or over tidal waters or land below the level of high water, not being operations or works which are specifically authorised by an enactment.

(2) Subject to paragraph (3), a statutory undertaker must not carry out any operations or works to which this article applies unless it has given notice of its intention to do so to the Commissioners and has supplied the Commissioners with such particulars as they may reasonably require.

(3) Where, in an emergency, it is impracticable to give notice as required by paragraph (2), the statutory undertaker must inform the Commissioners of the operations or works as soon as reasonably practicable.

(4) Any operations or works to which this article applies must be carried out subject to any directions which may be given by the Commissioners to the statutory undertaker, being directions for the avoidance of danger and the prevention, so far as possible, of interference with navigation in the carrying out of such operations or works.

(5) Any person who, without reasonable excuse, contravenes this article is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Licensing of works

30.—(1) The Commissioners may upon such terms and conditions as they think fit grant to any person a licence to construct, maintain, retain, alter, renew or extend any works in the harbour on, under, in or over tidal waters or land below the level of high water, notwithstanding that the works

as constructed, maintained, retained, altered, renewed, or extended interfere with the public right of navigation or any other public right.

(2) The Commissioners may include provisions within any works licence detailing the terms and conditions under which the licence may be transferred.

(3) An application for a works licence must be made in writing to the Commissioners and must—

(a) be accompanied by plans, sections and particulars of the works to which the application relates;

(b) specify whether the applicant holds such rights in or over land as are necessary to enable the applicant to enjoy the benefits of the licence and, if not, the action taken to enable the applicant to obtain such rights if the licence is granted.

(4) The Commissioners may require modifications in the plans, sections and particulars submitted under paragraph (3) before granting a licence under this article.

(5) The Commissioners may require an applicant for a works licence to pay a reasonable fee in respect of the Commissioners' administrative expenses of dealing with the application.

(6) As a condition of the granting of a licence, the Commissioners may require the holder of the licence, being an applicant to whom a licence has been granted or the applicant's successor, where works are to be carried out in accordance with the licence, to pay such reasonable fees in respect of the Commissioners' administrative expenses and overheads in supervising or inspecting where necessary the carrying out or maintenance of the works.

(7) Where the Commissioners refuse to grant a works licence under this article, they must give reasons in writing for their refusal.

(8) Where the Commissioners grant a works licence upon terms and conditions or require any modification in the plans, sections and particulars, they must give reasons in writing for the terms and conditions imposed or the modifications required.

(9) Except as otherwise agreed with the applicant, if within 16 weeks from the receipt of the application under paragraph (3) the Commissioners do not grant a works licence, the application is deemed to have been refused.

(10) When carrying out operations pursuant to a works licence, the holder of the licence 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; or

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

Licence to dredge

31.—(1) The Commissioners may, upon such terms and conditions as they think fit, grant to any person a licence to dredge in any part of the harbour.

(2) An application for a dredging licence must be made in writing to the Commissioners and must be accompanied by plans, sections and particulars defining the nature, extent and manner of the operations to be carried out in the exercise of the powers granted by the licence.

(3) The Commissioners may require modifications in the plans, sections and particulars submitted under paragraph (2) before granting a licence under this article.

(4) Paragraphs (5) to (10) of article 30 (licensing of works) apply in relation to a dredging licence as they apply in relation to a works licence.

(5) Any materials, other than wreck within the meaning of Part 9 of the 1995 Act (salvage and wreck), taken up or collected by means of dredging pursuant to a dredging licence—

(a) are deemed the property of the holder of the licence; and

(b) the holder of the licence may use, sell or otherwise dispose of, remove or deposit the materials as they think fit provided that any such material must not be laid down or

deposited in any place within the harbour below the level of high water except in accordance with the terms and conditions of a dredging licence granted under this article.

Appeals in respect of works or dredging licences

32.—(1) An applicant for a works licence under article 30 or a dredging licence under article 31 may appeal to the Secretary of State within 28 days from the date on which the Commissioners notify the applicant of their decision or the date of deemed refusal under article 30(9) in relation to—

(a) a refusal of the Commissioners to grant a licence;

(b) any terms and conditions subject to which the licence is granted;

(c) any modifications required by the Commissioners in the plans, sections and particulars submitted by the applicant.

(2) An appeal under paragraph (1) 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.

(3) A person who submits an appeal under paragraph (1) must serve on the Commissioners copies of the notice of the appeal and the statement of appeal within 7 days of lodging, and the Commissioners may, within 28 days of the receipt of the notice, submit any observations regarding the appeal to the Secretary of State and must supply copies of the same to the appellant.

(4) The Secretary of State may confirm, vary or revoke the decision appealed against and may make such consequential amendments as the Secretary of State may specify.

(5) The Secretary of State may direct the Commissioners to give effect to the decision, and the Commissioners must forthwith comply with any direction given.

Tidal works

33.—(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 Commissioners 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 or Bournemouth, Christchurch and Poole Council (as appropriate) to the extent that it is not already within a local planning authority area.

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

Power of the Commissioners to prosecute or defend legal proceedings

34. In addition to any other powers conferred on the Commissioners, where the Commissioners consider it conducive to the improvement, maintenance, operation, management or protection of the harbour undertaking, they 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

35.—(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 Commissioners may provide notices by that means until such time as the person informs them 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 harbour office and electronically on the harbour website for the period of its duration.

Saving for Trinity House

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

Crown Rights

37.—(1) Nothing in this Order—

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

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

(**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.

Amendment of the 1999 Order

38.—(1) The 1999 Order is amended as follows.

(2) In article 2 (interpretation), in paragraph (1), for the definition of "the harbour" substitute—

""the harbour" means Poole harbour as described in article 4 (area of the harbour) of and Schedule 1 (harbour limits) to the Poole Harbour Revision Order 2012;".

(3) In article 8 (works to be deemed part of harbour undertaking), omit "authorised by the Poole Harbour Acts and Orders 1756 to 1981".

Amendment of the 2012 Order

39.—(1) The 2012 Order is amended as follows.

(2) In article 2 (interpretation)—

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

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

""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 subsection 313(1) of the 1995 Act;";

""wet harbour area" means those parts of the harbour which are covered by water at the level of low water.";

(b) omit the definition of "personal watercraft";

(c) for the definition of "vessel" substitute the definition of "vessel" contained in article 2(1) of this Order;

(d) for the definition of "the harbour premises" substitute—

""the harbour premises" means land adjacent to the wet harbour area vested in, occupied or administered (for the time being) by the Commissioners 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 and conveniences, land and premises;".

(3) In article 3 (incorporation of Harbours, Docks, and Piers Clauses Act 1847), in paragraph (1), insert "51," immediately before "52".

(4) After article 29 (charges for services or facilities), insert—

"**Charges other than ship, passenger and goods dues**

29A.—(1) The Commissioners 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(**a**), entering, using, within or leaving the harbour 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.

(2) The Commissioners must not exercise the power in paragraph (1) in relation to the vehicle and passenger chain ferry operated by The Bournemouth-Swanage Motor Road and Ferry Company between Haven Point, Sandbanks and Shell Bay, Studland.".

(5) In article 30 (payment of charges), after paragraph (4), insert—

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

(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.".

(6) In article 31 (compounding arrangements and rebates)—

(a) the existing text becomes paragraph (1);

(b) after that paragraph, insert—

"(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 Commissioners to include in the list of ship, passenger and goods dues, 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.".

(7) In article 45 (application of revenue)—

(a) the existing text becomes paragraph (1);

(b) after that paragraph, insert—

"(2) The Commissioners may apply any part of the revenues not used for the purposes set out in sub-paragraphs (1)(a) to (c) to any reserve fund established or maintained under article 42 (reserve fund).".

(8) In Schedule 2 (purposes for which byelaws may be made)—

(a) in paragraph 16, for "the Bournemouth and Swanage Motor Road and Ferry Company between Sandbanks and South Haven" substitute "The Bournemouth-Swanage Motor Road and Ferry Company between Haven Point, Sandbanks and Shell Bay, Studland";

(b) in paragraph 23, for "personal water craft" substitute "watercraft";

(c) after paragraph 36, insert—

"**37.** Prohibiting the entry or regulating the entry, carriage, handling or storage of dangerous goods within the meaning given under regulation 3 of the Dangerous Goods in Harbour Areas Regulations 2016(**b**) (meaning of "dangerous goods").".

Amendment of the 2015 Order

40.—(1) The 2015 Order is amended as follows.

(a) As defined in section 57 (interpretation) of the Harbours Act 1964 (c. 40).
(**b**) S.I. 2016/721.

(2) In article 2 (interpretation), in paragraph (1), for the definition of "harbour premises" substitute—

> ""harbour premises" has the same meaning as "the harbour premises" in article 2 of the 2012 Order;".

Revocation / repeal

41. The enactments mentioned in the first and second columns of Schedule 3 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

Trudi Clarke
Director of Marine Development (Domestic and International)
30th June 2026 An authorised employee of the Marine Management Organisation

SCHEDULES

SCHEDULE 1

Article 9

FORM OF DECLARATION

POOLE HARBOUR COMMISSIONERS
POOLE HARBOUR ORDERS 1999 to 2026

I, [FULL NAME] do solemnly declare:

(1) that I will faithfully and impartially, according to the best of my skill and judgement, execute all the powers and authorities vested in me as a commissioner by virtue of the Poole Harbour Orders 1999 to 2026;

(2) that I have read and understood the notes entitled "Note for Guidance of Commissioners on the Disclosure of Financial and Other Interests" and "Duties of Commissioners" and that I will comply with the requirements as to disclosure of such interests, laid down by paragraph 14 of Schedule 2 to the Poole Harbour Revision Order 2026, and in particular that:

(a) I have disclosed to the Chief Executive details of every financial and other interest as is mentioned in those notes;

(b) I will in future notify the Chief Executive as soon as reasonably practicable of any alteration in those interests, or any new interest such as mentioned in those notes, which I may acquire.

Made and signed at Poole Harbour on the

…….. day of ……

signature:……..

Witnessed by the Chief Executive

……..

signature:……..

as a commissioner.

Note: Where the declaration is to be made by the Chief Executive, the references to the Chief Executive above are to be read as references to the chair.

SCHEDULE 2

Article 12

INCIDENTAL PROVISIONS RELATING TO THE COMMISSIONERS

Appointment of chair and vice-chair of the Commissioners

1. Subject to article 6(1)(a), a chair of the Commissioners must be appointed by those of the Commissioners who are appointed under article 4(2)(a) or article 10(1) (casual vacancies) from amongst their number.

2. Subject to paragraph 5, every chair appointed under paragraph 1, unless they resign their office as chair or cease to be a commissioner, holds office for a period of three years.

3. Subject to article 6(1)(b), a vice-chair of the Commissioners must be appointed by those of the Commissioners who are appointed under article 4(2)(a) or article 10(1) (casual vacancies) from amongst their number, but the chair cannot be appointed as vice-chair.

4. Subject to paragraph 5, every vice-chair appointed under paragraph 3, unless they resign their office as vice-chair or cease to be a commissioner, holds office for a period of one year.

5. If the Commissioners are satisfied that the chair of the Commissioners or vice-chair of the Commissioners should cease to hold their office as such, the Commissioners may terminate that person's office as such.

6.—(1) On a casual vacancy occurring in the office of the chair or vice-chair of the Commissioners, the vacancy must be filled by those of the Commissioners who are appointed under article 4(2)(a) or article 10(1) (casual vacancies), at a meeting held as soon as reasonably practicable after the vacancy occurs.

(2) A commissioner appointed under this paragraph to fill a casual vacancy in the office of chair or vice-chair holds that office during the remainder of the term for which the chair or vice-chair whom they replace was appointed, unless that person resigns that office or ceases to be a commissioner.

Meetings of the Commissioners

7.—(1) The first meeting of the Commissioners after the date of this Order must be convened by the Chief Executive within two months from the date of the coming into force of this Order, and the Chief Executive must make arrangements for notice of that meeting to be sent by post or email to each of the other commissioners.

(2) The Commissioners must hold an annual meeting each year on such day as they may appoint.

(3) The Commissioners must meet at least six times a year.

Vacation of office by commissioners

8. A commissioner, other than the Chief Executive, may resign their office at any time by notice in writing given to the chair of the Commissioners or, if that commissioner is the chair, the vice-chair of the Commissioners.

Reappointment of commissioners

9.—(1) Subject to the provisions of this Schedule, a vacating appointed commissioner is eligible for reappointment by the selection panel as a commissioner unless that person has been removed from office under article 11 (removal of commissioners).

(2) A vacating appointed commissioner is not eligible for reappointment as a commissioner where, immediately before the date in question, that person has held office for two consecutive terms unless they—

(a) are the chair of the Commissioners; or

(b) have been reappointed following public advertisement of the role and a competitive appointment process.

(3) Subject to sub-paragraph (4), a vacating appointed commissioner is not eligible for reappointment as a commissioner where, immediately before the date in question, that person has held office as a commissioner for three consecutive terms.

(4) Where a vacating appointed commissioner is the chair of the Commissioners at the end of their third consecutive term as commissioner, the chair's term of office as a commissioner is deemed to be extended until the date upon which their term of office as chair expires or (if earlier) the date upon which they otherwise cease to be the chair.

(5) For the purposes of this paragraph, "term" does not include the remainder of a term during which the commissioner was appointed to fill a casual vacancy under article 10 (casual vacancies).

(6) In this paragraph, "vacating appointed commissioner" means a commissioner appointed under article 4(2)(a) who has reached the end of their current term as a commissioner.

(7) The officer appointed under article 4(2)(c) is eligible for reappointment for as long as they continue to be an officer of the Commissioners.

Reappointment of chair

10.—(1) A chair of the Commissioners is not eligible for reappointment as the chair where, immediately before the date in question, that person has served as chair for three consecutive terms.

(2) For the purposes of this paragraph, "term" does not include the remainder of a term during which the commissioner was appointed to fill a casual vacancy in the office of chair under paragraph 6.

Committees

11. The Commissioners may, consistently with their duties and subject to such conditions as they think fit, delegate any of their harbour functions, other than the functions set out in sub-paragraphs (a) to (f) of paragraph 9B of Schedule 2 to the 1964 Act, to a committee of the Commissioners.

Proceedings of the Commissioners and committees

12. The acts and proceedings of the Commissioners, or of any committee of the Commissioners, are not invalidated by any vacancy in their number or by any defects in the declaration, appointment, or the qualification for appointment, of any person as a commissioner, or as chair or vice-chair, of the Commissioners or committee.

13. The quorum required for a meeting—

(a) of the Commissioners, is five;

(b) of any committee of the Commissioners, is to be decided by the Commissioners in respect of each committee.

14.—(1) A commissioner must declare any interest, direct or indirect, held—

(a) in any contract or proposed contract to which the Commissioners are or would be a party or where a commissioner is a director of a company or member of a body with which the contract or proposed contract is made or proposed to be made;

(b) in any other matter with which the Commissioners are concerned.

(2) If a commissioner is present at a meeting of the Commissioners or of any committee of the Commissioners at which a contract or other matter in which that person has an interest is to be considered, that person must—

(a) as soon as is practicable after the commencement of that meeting disclose their interest;

(b) not vote on any question with respect to that contract or matter; and

(c) withdraw from the meeting—

(i) at any time if the commissioners present by resolution require that person to do so, and

(ii) while a decision on that contract or matter is being made.

(3) This paragraph does not apply to any interest—

(a) which a commissioner has in respect of the payment to the Commissioners of ship, passenger and goods dues;

(b) which arises in respect of the provision of services or facilities affecting the trading community in general;

(c) which a commissioner has as an employee of a public utility undertaking or as a shareholder, not being a director of a company, unless that person possesses more than five per cent of the issued share capital of that company; or

(d) which the commissioners present at the meeting by resolution declare to be too remote.

15. The person holding office as vice-chair has and may exercise all the functions of the chair in the absence or incapacity of the chair.

16. If at any meeting of the Commissioners neither the chair nor the vice-chair are present, the commissioners present at the meeting must choose one of their number to be the chair of the meeting.

17.—(1) Every decision at a meeting of the Commissioners or of a committee of the Commissioners must be decided by a majority vote of the commissioners present and voting.

(2) If at any meeting of the Commissioners or of a committee of the Commissioners there is an equality of votes on any decision, the chair of the meeting is to have a second vote which the chair may exercise for or against the status quo.

Authentication of deeds and other documents

18.—(1) The application of the common seal of the Commissioners is only required in respect of a document executed as a deed and must be authenticated by the signature of the chair of the Commissioners or some other commissioner authorised by the Commissioners to authenticate the application of the common seal, and of the Chief Executive or some person authorised by the Commissioners to act in the Chief Executive's place in that behalf.

(2) The Commissioners may authorise a person to act instead of the Chief Executive under this paragraph whether or not the Chief Executive is absent or incapable of acting.

(3) Any other document given or issued by the Commissioners, unless the contrary intention is expressed, is sufficiently authorised if signed by the Chief Executive, the chair of the Commissioners or a duly authorised officer of the Commissioners.

(4) The Authority may execute documents, including deeds, electronically.

Remuneration of commissioners

19. The Commissioners may pay each of the commissioners such salary, allowances and expenses as the Commissioners determine.

General

20. Subject to the provisions of this Schedule, the procedure and business of the Commissioners and of any committee of the Commissioners is to be regulated in such manner as the Commissioners may determine.

21. The Commissioners must appoint a Chief Executive and may appoint such other persons as they think necessary or desirable for and incidental to the performance of their harbour functions and pay to them such remuneration as the Commissioners think fit.

SCHEDULE 3

Article 41

REVOCATION / REPEAL

Number	*Short Title*	*Extent of Revocation/Repeal*
4 & 5 Geo. 5. Ch. clv.	Poole Harbour Act 1914.	Whole Act.
S.I. 1999 No. 403.	Poole Harbour Revision Order 1999.	Articles 1(2), 6 and 16.
S.I. 2001 No. 2820.	Poole Harbour Revision Order 2001.	Whole Order.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made on the application of the Poole Harbour Commissioners modernises and consolidates the statutory harbour powers which apply in relation to Poole Harbour ('the harbour') and provides for—

(1) The continued incorporation of the Commissioners (article 4) and related constitutional provisions (articles 5 to 12 and Schedules 1 and 2).

(2) Powers of general direction to the Commissioners for the regulation and management of the harbour (articles 13 to 16). This Order creates an offence of failing to comply with general directions, the penalty for which is a fine on summary conviction not exceeding level 4 on the standard scale (article 16). A defence of due diligence is available to a person charged under article 16(1).

(3) The clarification of the responsibility of masters in relation to general directions (article 17), the power for a duly authorised officer of the Commissioners to enter and inspect a vessel or vehicle for the purposes of any enactment relating to the harbour, including enforcement (article 18), and savings for existing directions and byelaws etc. (article 19).

(4) Clarification of the extent of harbour premises, including a requirement for the Commissioners to publish and maintain an illustrative plan of the harbour premises (article 20).

(5) The establishment of one or more advisory bodies consisting of harbour stakeholders with whom the Commissioners are required to consult on material matters (article 21).

(6) Powers relating other commercial activities (article 22), the delegation of functions (article 23), bunkering (article 24), aids to navigation (article 25), dredging (article 26), and the repair of landing places (article 27).

(7) Powers relating to the control and licensing of works and dredging (articles 28 to 32).

(8) Provisions relating tidal works (article 33), the power of the Commissioners to prosecute or defend legal proceedings (article 34), and notices (article 35).

(9) Savings for Trinity House (article 36) and Crown Rights (article 37).

(10) The Order revokes and repeals (as appropriate) the Acts and Orders set out in article 41 and Schedule 3 to the Order and amends the 1999 Order, the 2012 Order and the 2015 Order as set out in articles 38 to 40.

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 premises map is available alongside the instrument on the UK legislation website at www.legislation.gov.uk.

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