STATUTORY INSTRUMENTS

2021 No. 32

HARBOURS, DOCKS, PIERS AND FERRIES

The Port of Lowestoft (Transfer of Mutford Lock) Harbour Revision Order 2021

Made - - - -	*14th January 2021*
Laid before Parliament	*21st January 2021*
Coming into force - -	*19th February 2021*

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SCHEDULE — DESCRIPTIONS

Associated British Ports has applied in accordance with section 14(2)(a) of the Harbours Act 1964(**a**) ("the Act") for a harbour revision order under section 14 of 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 of the Act(**d**) to the Marine Management Organisation(**e**).

The Marine Management Organisation, being satisfied as mentioned in section 14(2)(b) of the Act and in exercise of the powers conferred by section 14(1), (2A) and (3) of the Act makes the following Order.

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Port of Lowestoft (Transfer of Mutford Lock) Harbour Revision Order 2021 and shall come into force on 19th February 2021.

Interpretation

2.—(1) In this Order—

"the 1975 Order" means the Oulton Broad Revision Order 1975(**f**);

"the Act of 1827" means the Act entitled "An Act for making and maintaining a Navigable Communication for ships and other vessels between the City of Norwich and the Sea at or near Lowestoft in the County of Suffolk"(**g**);

"the Act of 1988" means the Norfolk and Suffolk Broads Act 1988(**h**);

"A.B. Ports" means Associated British Ports;

"the adjoining land" means the land adjoining Mutford Lock which is described in the Schedule to this Order;

"the Authority" means the Broads Authority established by section 1 of the Act of 1988;

"the day of transfer" means the date this Order comes into force;

"Mutford Lock" means the lock which is described in the Schedule to this Order;

"the signed plan" means the plan prepared in duplicate, signed by the Chief Executive Officer of the Marine Management Organisation and marked "Signed plan referred to in the Port of Lowestoft (Transfer of Mutford Lock) Harbour Revision Order 2021", one copy of which is

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(**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 1); by the Planning Act 2008 (c. 29), section 36 and Schedule 2, paragraphs 8 and 9; and 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 Schedule 6, paragraph 5(3) and Schedule 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**) See 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).
(**f**) S.I. 1975/2206; as amended by the Norfolk and Suffolk Broads (Staff and Property etc) Order 1989 (S.I. 1989/277), paragraph 4 of Schedule 3.
(**g**) 1827 7 & 8 Geo. 4 c. xlii.
(**h**) 1988 c. 4.

deposited at the offices of the Marine Management Organisation and the other at the principal office of A.B. Ports and available on the A.B. Ports website(**a**); and

"the yellow land" means that part of Mutford Lock coloured yellow on the signed plan.

(2) In this Order a reference to the undertaking of A.B. Ports in respect of Mutford Lock is a reference to the powers, duties, obligations, responsibilities, property, rights and liabilities of A.B. Ports in relation to that lock which exist immediately before the day of transfer.

PART 2

HARBOUR JURSIDICTION

Harbour Jurisdiction

3.—(1) On and from the day of transfer Mutford Lock shall cease to be part of the area of jurisdiction of A.B. Ports as harbour authority for the Port of Lowestoft and A.B. Ports shall cease to have in respect of Mutford Lock any of the powers, duties, obligations, responsibilities, rights and liabilities of a harbour authority.

(2) The western limit of jurisdiction of the Port of Lowestoft on and from the day of transfer is shown by the line marked "Proposed Limit of Harbour Jurisdiction" on the signed plan running between Latitude 52.474514 Longitude 1.711342, Latitude 52.474573 Longitude 1.711465 and Latitude 52.474802 Longitude 1.711617.

Lowestoft Harbour Byelaws

4. On and from the day of transfer the Lowestoft Harbour Bye-laws 1993(**b**) shall cease to apply to Mutford Lock.

Transfer of property, functions, etc.

5.—(1) On the day of transfer—

(a) Mutford Lock and the adjoining land (other than the yellow land),

(b) all rights, liabilities, responsibilities and obligations incurred by A.B. Ports for the purposes of Mutford Lock and the adjoining land as a consequence of their ownership thereof (other than such as may have been incurred in consequence of their ownership of the yellow land), and

(c) any powers and duties conferred or imposed on A.B. Ports by any enactment of local application in relation to Mutford Lock (other than in relation to the yellow land) which exist immediately before the day of transfer, shall be transferred to the Authority.

(2) On and from the day of transfer any enactment of local application conferring or imposing any powers and duties conferred or imposed on A.B. Ports in relation to the yellow land shall cease to have effect or be enforceable by or in favour of or against A.B. Ports.

(**a**) 25 Bedford Street London WC2E 9ES. The A.B. Ports website can be found at: https://www.abports.co.uk/locations/lowestoft/.

(**b**) The byelaws can be obtained from the office of A. B. Ports at 25 Bedford Street London WC2E 9ES.

PART 3

MISCELLANEOUS AND GENERAL

Saving of Agreements etc.

6. All sales, conveyances, leases, grants, assurances, deeds, contracts, bonds, agreements, notices and demands affecting the undertaking of A.B. Ports in respect of Mutford Lock and the adjoining land and in force immediately before the day of transfer (other than any agreement, lease or deed the parties to which include both A.B. Ports and the Authority) shall (insofar as they relate to that undertaking) on and from that day—

(a) not be enforceable by or in favour of or against A.B. Ports, but

(b) in so far as they relate to property or duties or powers transferred by this Order—

(i) be as binding and of as full force and effect in every respect, and

(ii) may be enforced as fully and effectively by or against or in favour of the Authority as if (except in any case where the Authority as agent for A.B. Ports is already a party thereto) the Authority instead of A.B. Ports had been a party thereto or bound thereby or entitled to the benefit thereof.

Continuance of proceedings

7. Any action, arbitration or other proceeding, or any cause of action, arbitration or other proceeding, pending or existing immediately before the day of transfer by or in favour of or against A.B. Ports or by or in favour of or against the Authority as agent for A.B. Ports in relation to A.B. Ports' undertaking in respect of Mutford Lock and the adjoining land (other than an action, arbitration or proceeding which is or may be an issue between A.B. Ports and the Authority) may—

(a) not be maintained, prosecuted or continued by or in favour of or against A.B. Ports, but

(b) in so far as it relates to property or duties or powers transferred by this Order be maintained, prosecuted or continued by or in favour of or against the Authority and may be amended in such manner as may be necessary for that purpose.

Revocation

8. On the day of transfer articles 1(1) and 13 of the 1975 Order are revoked.

Signed by authority of the Marine Management Organisation

Tom McCormack
Chief Executive Officer
An employee of the Marine Management Organisation

14th January 2021

SCHEDULE

Article 2

DESCRIPTIONS

Mutford Lock means the lock authorised by the Act of 1827 and comprises the following areas:

(a) the areas of land and water coloured blue on the signed plan and measuring approximately 869.9 square metres but excluding the bridge structures within the areas cross-hatched black on that plan; and

(b) the areas of land and water coloured yellow on the signed plan and measuring approximately 352 square metres and 228.7 square metres respectively and excluding the bridge structures within the areas cross-hatched black on that plan.

The adjoining land means the land adjoining Mutford Lock and comprises the areas coloured red on the signed plan and measuring approximately 2861 square metres and 461.4 square metres respectively.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the transfer of Mutford Lock and adjoining land held with Mutford Lock from Associated British Ports to the Broads Authority together with related statutory powers or duties and removes Mutford Lock and the adjoining land from the area of jurisdiction of Associated British Ports as harbour authority for the Port of Lowestoft.

This Order provides for the area coloured blue and the adjoining land coloured red on the signed plan to be vested in the Broads Authority. Some areas of land remain in control of the Suffolk County Council as highway authority, these include the road, pedestrian and cyclist bridges and are coloured yellow on the signed plan.

The Broads Authority (Transfer of Mutford Lock) Harbour Revision Order 2021 (S.I. 2021/31) which is made at the same time as this Order provides for Mutford Lock and the adjoining land to form part of the area of jurisdiction of the Broads Authority as a harbour authority and to form part of the navigation area for the purposes of the Norfolk and Suffolk Broads Act 1988.

The signed plan referred to in Article 2 may be inspected during working hours at the principal office of A.B. Ports and on the A.B. Ports website:

https://www.abports.co.uk/locations/lowestoft/

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 is available on the UK legislation website, www.legislation.gov.uk.

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