EXPLANATORY MEMORANDUM TO

THE PORT OF LOWESTOFT (TRANSFER OF MUTFORD LOCK) HARBOUR REVISION ORDER 2021

2021 No. 32

AND

THE BROADS AUTHORITY (TRANSFER OF MUTFORD LOCK) HARBOUR REVISION ORDER 2021

2021 No. 31

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 Her Majesty.

2. Purpose of the instrument

2.1 The purpose of these instruments is to transfer Mutford Lock, adjoining land and associated statutory powers or duties relating to Mutford Lock from the jurisdiction of Associated British Ports ("ABP"), which is the harbour authority for the Port of Lowestoft, to the Broads Authority, which is the harbour authority for Oulton Broad.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

3.2 As the instruments are subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

4.1 The territorial extent of these instruments is England and Wales.

4.2 The territorial application of these instruments is England only.

5. European Convention on Human Rights

5.1 As the instruments are subject to negative resolution procedure and do not amend primary legislation, no statement is required.

6. Legislative Context

6.1 The applicants are the statutory harbour authorities for the Port of Lowestoft and the Oulton Broad. Mutford Lock has been included within the Port of Lowestoft's

jurisdiction since 1827, for the purposes of this explanatory memorandum the title of the "Act of 1827" in article 2 in both respective instruments is defined as the Norwich and Lowestoft Navigation Act 1827. The Broads Authority is a harbour authority as defined in the Harbours Act 1964 by virtue of its functions of maintaining, for the purposes of navigation, waters in its area navigated by sea-going vessels.

6.2 The applicants applied to the MMO on 3 August 2018 for the Port of Lowestoft (Transfer of Mutford Lock) Harbour Revision Order and The Broads Authority (Transfer of Mutford Lock) Harbour Revision Order ("the Orders").

6.3 The responsibility for the consideration of the application, and the making of any 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 functions under Section 14 of the Harbours Act 1964 ("the Act") to the MMO except in relation to specified applications.

6.4 The Orders remove Mutford Lock, adjoining land and associated statutory powers or duties relating to Mutford Lock from the jurisdiction of ABP and transfers them to the jurisdiction of the Broads Authority.

7. Policy background

What is being done and why?

7.1 The Orders act to authorise the transfer of Mutford Lock and adjoining land held with Mutford Lock from ABP to the Broads Authority together with statutory powers or duties relating to Mutford Lock.

7.2 Mutford Lock connects the fresh waters of Oulton Broad from the salt waters of Lake Lothing and has been part of the harbour undertaking at Lowestoft since the early 19th century and therefore fell within the jurisdiction of ABP.

7.3 Mutford Lock now serves purposes which are more consistent with the Broads Authority's responsibilities than those of ABP. The Broads Authority has had a greater interest in the operation, maintenance, management and improvement of the lock, and has been exercising these functions for almost 25 years.

7.4 These Orders transfer ownership of the Mutford Lock and adjoining land to the Broads Authority, as the relevant body for Oulton Broad and the rest of the navigable waterways in the Broads Area.

7.5 There was no public or media interest in this application.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

8.1 These instruments do not relate to withdrawal from the European Union.

9. Consolidation

9.1 These instruments do not consolidate any legislation.

10. Consultation outcome

10.1 In accordance with paragraph 10 of Schedule 3 to the Act, a notice was placed in the London Gazette on 3 August 2018 and in The Lowestoft Journal on 3 and 10 August

2018 detailing the applications for the Orders and how any objections or representations may be registered.

10.2 The MMO also consulted with other such bodies it considered to have interest in the Orders.

10.3 No objections to the Orders were received within the statutory period of forty-two days provided for in Schedule 3 to the Act. The consultation ran from 3 August 2018 to 19 September 2018.

10.4 The MMO considered the responses submitted by the bodies consulted, the applicant's responses and the information supplied in the formal application, in its determination of these Orders. The MMO is satisfied that the making of the Orders is desirable in the interests of securing the improvement, maintenance or management of the harbours. Details of the consultation can be found in the decision letters at: https://www.gov.uk/government/publications/abp-transfer-of-mutford-lock-habour-revision-order

and,

https://www.gov.uk/government/publications/broads-authority-transfer-of-mutford-lock-habour-revision-order

10.5 Hard copies of the consultations are available on application to the Marine Management Organisation, Lancaster House, Hampshire Court, Newcastle upon Tyne, NE4 7YH.

11. Guidance

11.1 The MMO do not propose to issue guidance in respect of the effects of the Orders. However, the applicants will publish particulars, and serve copies, of the Orders in accordance with paragraph 24 of Schedule 3 to the Act.

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

12.3 An Impact Assessment has not been prepared for these instruments because there is no, or no significant impact predicted on businesses, charities, voluntary bodies or the public sector.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 Whilst the MMO will not actively monitor the operation of the provisions introduced by the Orders, it will consider any representations received in this respect and will take these into account in the future exercise of its powers.

15. Contact

15.1 Luella Williamson at the MMO can answer any queries regarding the instruments. Address: Lancaster House, Hampshire Court, Newcastle upon Tyne, NE4 7YH. Telephone: 0208 026 8618. Email: harbourorders@marinemanagement.org.uk

15.2 Trudi Wakelin, Director for Marine Licensing, at the MMO can confirm that this Explanatory Memorandum meets the required standard.

15.3 Tom McCormack, Chief Executive Officer at the MMO can confirm that this Explanatory Memorandum meets the required standard.