STATUTORY INSTRUMENTS

# 2025 No. 198

# HARBOURS, DOCKS, PIERS AND FERRIES

## The Port of Southampton Harbour Revision Order 2025

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| *Made - - - -* | *21st February 2025* |
| *Laid before Parliament* | *27th February 2025* |
| *Coming into force* | *20th March 2025* |

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Associated British Ports has applied for a harbour revision order under section 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 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) and (3), makes the following Order.

# PART 1

## PRELIMINARY

### Citation, commencement and extent

**1.**—(1) This Order may be cited as the Port of Southampton Harbour Revision Order 2025 and shall come into force on 20th March 2025.

(2) This Order extends to England and Wales.

### Interpretation

**2.** In this Order—

"the 1847 Act" means the Harbours, Docks and Piers Clauses Act 1847(**f**) as incorporated by section 17 of the Southampton Harbour Act 1863(**g**)(8 & 9 Vict c.18 and 10 & 11 Vict. cc.16 & 27 incorporated) in relation to its application to the Port;

"the 1887 Act" means the Southampton Harbour Act 1887(**h**);

"the 1939 Act" means the Southampton Harbour Act 1939(**i**);

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

"ashore" means all those parts of the Port which are not constituted of land covered by water at the level of low water;

"direction" means a general direction or a special direction;

"dock estate" has the meaning given to it in section 5A of the 1887 Act (definition of the dock estate);

"general direction" means a direction made under article 5 of this Order or a direction made under section 52 of the 1847 Act (powers of harbour, dock, or pier master) which in

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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 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 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). The head office address of the Marine Management Organisation is located at Lancaster House, Hampshire Court, Newcastle upon Tyne NE4 7YH.

(**f**) 1847 c. 27.

(**g**) 1863 Cap.cxix (26 and 27 Vict).

(**h**) 1887 Ch. lii (50 and 51 Vict).

(**i**) 1939 ch.lxxxiii (2 & 3 Geo. 6).

accordance with section 12 of the 1939 Act (directions of harbour-master) is of general application;

"the harbour master" means the harbour master appointed by A.B. Ports at the Port and includes any deputies or assistants of the harbour master;

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

"the Port" means the Port of Southampton as defined in section 5 of the 1887 Act (defining the port) as that section has effect in accordance with section 16 of the British Transport Docks Act 1972(**a**) (extension of limits of Port of Southampton, etc.), and excluding the navigation as defined in that section;

"special direction" means a direction made under article 6 of this Order (additional power to make special directions) or section 52 of the 1847 Act which applies to a particular vessel or person;

"Trinity House" means the Corporation of Trinity House of Deptford Strond(**b**);

"vehicle" means 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(**c**), boat, houseboat, raft or craft of any description, however propelled or moved, and includes non-displacement craft, watercraft, a seaplane on the surface of the water, a hydrofoil vessel, a hovercraft or any other 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 partly 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 section 313(1) of the Merchant Shipping Act 1995(**d**).

**Amendment of the 1887 Act to clarify the definition of Port**

**3.**—(1) The 1887 Act is amended as follows.

(2) In section 5 (defining the port)—

(a) for "and also such docks basins quays and other works as have by any Act of Parliament been declared to be within or to form part of the port of Southampton" substitute "and the dock estate, as defined in section 5A";

(b) after section 5 (defining the port) insert—

"**Definition of the dock estate**

**5A.**—(1) In section 5, dock estate means land adjacent to the wet harbour area for the time being vested in, or occupied or administered by A.B. Ports as part of its dock and harbour undertaking at Southampton and occupied wholly or mainly for the purposes of activities there carried on, which may include docks, quays, piers, wharves, berths, locks,

(**a**) 1972 c. xxxvii.
(**b**) The Corporation of Trinity House, Tower Hill, London EC3N 4DH.
(**c**) As defined in section 57(1) of the Harbours Act 1964 (c. 40) (interpretation).
(**d**) 1995 (c. 21).

breakwaters, landing places, yards, roads, car parks, sheds, other buildings and all other works and conveniences, land and premises.

(2) In the definition of dock estate, wet harbour area means those parts of the area described in section 5 of this Act which are covered by water at the level of low water.

(3) In this section, words and phrases defined in the Port of Southampton Harbour Revision Order 2025 have the same meaning as in that Order.".

**Illustrative plan**

**4.**—(1) A.B. Ports must keep, and make available for inspection at its main office and on its website(**a**) beginning with the day after this Order is made, an illustrative plan.

(2) A.B. Ports must update the illustrative plan to reflect and identify any alterations to the extent of the dock estate within the period of 30 days beginning with the day on which the alterations are made.

(3) In this article—

"illustrative plan" means a plan showing, for illustrative purposes only, the Port.

# PART 2

## GENERAL DIRECTIONS AND SPECIAL DIRECTIONS

**Additional power to make general directions as to use of the Port, etc.**

**5.**—(1) In addition to the general directions which the harbour master may make under section 52 of the 1847 Act (powers of harbour, dock, or pier master), as that section has effect in accordance with section 12 of the 1939 Act (directions of harbour-master), the harbour master may make general directions—

(a) for—

(i) the ease, convenience or safety of navigation;

(ii) the safety of persons;

(iii) the amelioration of environmental harm;

(iv) the ease, convenience or safety of harbour operations(**b**) ashore;

(v) regulating the loading or discharging of cargo, fuel, water or ships' stores or the embarking or landing of persons;

within the Port, or

(b) to require the preparation and provision of information from any person using or proposing to use the Port.

(2) A direction under this article or section 52 of the 1847 Act (powers of harbour, dock, or pier master) may apply—

(a) to all vessels or a class or type of vessels,

(b) to all vehicles or to a class of vehicle,

(c) to all persons designated in the direction,

(d) to the whole of the Port or to a part, or

(e) at all times or at certain times or at certain states of the tide,

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(**a**) Ocean Gate, Atlantic Way, Southampton, Hampshire SO14 3QN. The A.B. Ports website can be found at: http://www.southamptonvts.co.uk/.

(**b**) As defined in section 57(1) of the Harbours Act 1964 (c. 40) (interpretation).

and every direction must specify the extent of its application including its geographical extent in relation to the matters referred to in sub-paragraphs (a), (b), (c), (d) and (e).

(3) The harbour master may amend or revoke a general direction given under paragraph (1).

(4) A.B. Ports must keep and make available for inspection at its main office and on its website(**a**) a public register of all in force general directions.

**Additional power to make special directions**

**6.**—(1) In addition to the special directions which the harbour master may make under section 52 of the 1847 Act (powers of harbour, dock, or pier master) the harbour master may make special directions for the following purposes—

(a) regulating the loading or discharging of cargo, fuel, water or ships' stores or the embarking or landing of persons;

(b) requiring persons to comply with a requirement made under a general direction or byelaw or any other enactment of local application relating to the Port; or

(c) requiring the removal of a vessel from any part of the Port if the vessel—

(i) is on fire,

(ii) is in such condition as to be liable to become immobilised or waterlogged, to sink or to constitute a danger to life or property,

(iii) is making an unlawful use of the Port or interfering with the reasonable use or enjoyment of the Port by other vessels or persons or the dispatch of business in the Port, or

(iv) needs to be removed to enable maintenance or repair work to be carried out to the dock estate.

(2) A special direction may be given in any manner considered by the harbour master to be appropriate.

(3) The harbour master may amend or revoke a special direction.

**Procedure for giving, amending or revoking general directions**

**7.**—(1) Subject to paragraph (7), if the harbour master proposes to give, amend or revoke a general direction, the harbour master 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, and

(iii) such other persons or organisations as they consider appropriate for the purposes of the application of this provision,

(b) place a notice of the proposal on A.B. Ports' website and in prominent locations at A.B. Ports' main office on the same date as the notice given in accordance with sub-paragraph (a) and keep that notice on display for a minimum of 6 weeks;

(c) consult with the designated consultees upon the proposal and allow a period of not less than 6 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 harbour master regarding the proposal;

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

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(**a**) The public register of all in force general directions may be inspected during office hours at A.B. Ports office at Ocean Gate, Atlantic Way, Southampton, Hampshire SO14 3QN and available via the A.B. Ports website at http://www.southamptonvts.co.uk/.

(e) give notice in writing to the designated consultees and to those other persons that have provided a consultation response, following consultation as to whether the harbour master proposes to proceed with the proposal and, if so, specifying whether the harbour master is making any modifications to the proposal and the reasons for so doing; and

(f) if the harbour master proposes 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 objection to 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 harbour master may specify.

(2) Where the harbour master has complied with paragraph (1), the harbour master 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 objection to the proposal in accordance with paragraph (1)(f), or

(c) where a designated consultee has maintained an objection in accordance with paragraph (1)(f), the requirements of paragraph (3) have been complied with.

(3) Where a designated consultee has confirmed in writing to the harbour master that they maintain their objection to a proposal—

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

(i) by agreement between the harbour master and each designated consultee maintaining an objection in accordance with paragraph (1)(f) ("the parties"), or

(ii) failing agreement, by the President of the London Maritime Arbitrators Association on the application of either 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 by the adjudicator at a hearing, and

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

(c) the harbour master must decide whether to exercise the power to give, amend or revoke the general direction having regard to the adjudicator's report (but it is 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 consultation response 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 harbour master wishes 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 paragraph (1)(e), and where paragraph (3) applies, the form recommended by the adjudicator under 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 harbour master proposes to give, amend or revoke a general direction—

(a) in an emergency; or

(b) relating to an intended activity or operation within the Port which—

(i) is expected to commence within 16 weeks of the harbour master having been notified or otherwise becoming aware of the intended activity or operation,

(ii) is to last less than 28 days, and

(iii) the harbour master considers 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 Port which may be affected.

(8) Where the harbour master proceeds to give, amend or revoke 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 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 paragraphs (1)(c) to (1)(f) and (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 paragraph (1)(c), for "sub-paragraph (a) and (b)" substitute "paragraph (8)(a)", and

(iii) a reference to the harbour master 'proceeding' with a proposal is to be read as a reference to the harbour master determining that the direction or amendment should remain in force.

**Publication of general directions**

**8.**—(1) Subject to paragraph (4), the harbour master 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 Port and electronically on A.B. Port's website for the period of 28 days beginning with 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 harbour master must display notices of general directions that apply to the dock estate at prominent locations within the Port.

(4) In an emergency, the harbour master 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 directions**

**9.**—(1) A person who fails to comply with a general direction or a special direction is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(2) Paragraph (1) applies to any person designated in a general direction or a special direction and to the master of every vessel to which a general direction or a special direction applies.

(3) 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.

**Enforcement of special directions**

**10.**—(1) Without limiting the use of any other remedy available to the harbour master, if a special direction in respect of or applying to a vessel is not complied with within a reasonable time, the harbour master may put persons on board the vessel to carry out the direction or may otherwise cause the vessel to be handled in accordance with the direction.

(2) If there is no one on board a vessel to comply with a special direction, the harbour master may proceed as if the direction had been given and not complied with, provided that the powers of this paragraph shall not be exercised—

(a) in relation to a vessel other than a lighter unless, after reasonable inquiry has been made, the master cannot be found; or

(b) in relation to a lighter unless it is obstructing or interfering with navigation.

(3) Expenses incurred by A.B. Ports in the exercise of the powers conferred by paragraph (1) are to be recoverable by it as if it were a charge of A.B. Ports in respect of the vessel.

**Master's responsibility in relation to directions**

**11.** The giving of a general direction or a special direction does not diminish or in any other way affect the responsibility of the master of the vessel to which the direction is given in relation to the vessel, to persons on board the vessel, to the cargo or any other person or property.

# PART 3

## MISCELLANEOUS AND GENERAL

**Modification of local legislation**

**12.**—(1) The 1847 Act is modified in its application to the Port as follows—

(a) in section 52 (powers of harbour, dock, or pier master) "vessel" has the meaning given by article 2 of this Order and within the definition of "vessel" "watercraft" has the meaning given by article 2 of this Order.

(2) Section 17 of the Southampton Harbour Act 1863 (which incorporates the 1847 Act) is amended as follows—

(a) for "and Twenty-six" substitute "Twenty-six and Fifty-three".

(3) Section 13 of the 1939 Act (orders of harbour-master need not be in writing) is repealed.

**Identity of Master**

**13.**—(1) The owner of a vessel which has been at any time within the Port must, on written notice to them by the harbour master, give to the harbour master in writing all information in their power as to the person who at that time was the master of the vessel. Any owner refusing to give such information or by their own negligence or default being unable to give the name and address of such person 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 relating to the vessel or its master the written information given pursuant to paragraph (1) is to be admissible as evidence for the purpose of determining the identity of the master of the vessel at a particular time.

**Notices**

**14.**—(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, must be in writing and must be served by first class post.

(2) Where the person to 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 to 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, including in electronic form, that notices may be served by email, or other electronic means, A.B. Ports may serve notices by that means until such time as the person informs it 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 serving 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, and

(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 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

(b) in the case of any other notice or document or a notice or document that is not capable of being given pursuant to sub-paragraph (a) it may be given by displaying it at the office of the harbour master for the period of its duration.

**Saving for Trinity House**

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

**Crown rights**

**16.**—(1) Nothing in this Order—

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

(b) authorises A.B. Ports 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 part 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 consent in writing of the Crown Estate Commissioners, or

(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 paragraph (1)(b) may be given unconditionally or subject to such conditions and upon such terms as may be considered necessary or appropriate.

Signed by authority of the Marine Management Organisation

*Michelle Willis*
Acting Chief Executive Officer
21st February 2025 An authorised employee of the Marine Management Organisation

(**a**) 1978 c. 30.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order, made on the application of Associated British Ports ("A. B. Ports") updates the statutory harbour authority powers applying in relation to the Port of Southampton ("the Port") and provides for:

(1) The amendment of the Southampton Harbour Act 1887 (1887 Ch. lii) to ensure that the definition of the limits of the Port includes the dock estate (article 3). An illustrative plan showing the Port may be inspected during working hours at the main office of A.B. Ports at Ocean Gate, Atlantic Way, Southampton, Hampshire SO14 3QN or on http://www.southamptonvts.co.uk/ (article 4).

(2) Additional powers to be conferred on the harbour master (defined in article 2) at the Port to make directions regulating use of the Port, including requiring the preparation and provision of information, which would cover the provision of risk assessments in a case where the harbour master reasonably considers that there is a risk to safety within the Port.

(3) A procedure for giving, amending or revoking general directions and providing for their publication (articles 7 and 8).

(4) The manner of giving, and the harbour master's power to amend or revoke, special directions are set out at article 6.

(5) The creation of an offence of failing to comply with general or special directions, the penalty for which is a fine on summary conviction not exceeding level 4 on the standard scale (article 9). A defence of due diligence is available to a person charged under article 9 (article 9(3)).

(6) Consequential amendments to local legislation applying to the Port (article 12). This Order amends section 52 of the Harbours, Docks and Piers Clauses Act 1847 (c. 27) ("the 1847 Act") in its application to the Port by updating the definition of vessel and the Order also disapplies section 53 of the 1847 Act. This Order amends section 17 of the Southampton Harbour Act 1863 (cap.cxix). This Order repeals section 13 of the Southampton Harbour Act 1939 (c.lxxxiii).

(7) The creation of an offence for the owner of a vessel of refusing to give the harbour master information as to the person who at any given time was the master of the vessel. The penalty for this offence is a fine on summary conviction not exceeding level 4 on the standard scale (article 13).

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 alongside this Order on the UK legislation website at legislation.gov.uk.

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