OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2024 Rhif 147 (Cy. 32)

2024 No. 147 (W. 32)

HARBYRAU, DOCIAU, PIERAU A FFERÏAU

HARBOURS, DOCKS, PIERS AND FERRIES

Gorchymyn Diwygio Harbwr ar gyfer Harbwr Port Talbot (Estyn Terfynau) 2024

The Port Talbot Harbour (Extension of Limits) Harbour Revision Order 2024

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)

Mae'r Gorchymyn hwn wedi ei wneud ar gais Associated British Ports, sef yr awdurdod harbwr ar gyfer Harbwr Port Talbot, gan Weinidogion Cymru drwy arfer y pwerau a roddir gan adran 14 o Ddeddf Harbyrau 1964.

Mae'r Gorchymyn hwn yn awdurdodi estyn terfynau Harbwr Port Talbot ymhellach i'r môr ac yn gwneud darpariaeth o ran cymhwyso deddfwriaeth i'r terfynau ychwanegol.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made on the application of Associated British Ports the harbour authority for Port Talbot Harbour by the Welsh Ministers in exercise of the powers conferred by section 14 of the Harbours Act 1964.

This Order authorises the further seaward extension of the limits of Port Talbot Harbour and makes provision with regard to the application of legislation to the added limits.

2024 Rhif 147 (Cy. 32)

HARBYRAU, DOCIAU, PIERAU A FFERÏAU

Gorchymyn Diwygio Harbwr ar gyfer Harbwr Port Talbot (Estyn Terfynau) 2024

Gwnaed	*13 Chwefror 2024*
Yn dod i rym	*24 Chwefror 2024*

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2. Dehongli
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4. Cymhwyso deddfwriaeth bresennol
5. Hawliau'r Goron

ATODLEN 1 — Ardal Ychwanegol
ATODLEN 2 — Plan o'r Ardal Ychwanegol

Yn unol ag adran 14(1) o Ddeddf Harbyrau 1964(**1**) ("y Ddeddf"), mae'r Gorchymyn hwn wedi ei wneud mewn perthynas â harbwr sy'n cael ei wella, ei gynnal

(**1**) 1964 p. 40. Diwygiwyd adran 14 gan adran 18 o Ddeddf Trafnidiaeth 1981 (p. 56), paragraffau 2 i 4(1) a 14 ac adran 40 o Atodlen 6 iddi, ac Atodlen 12 (Rhan II) iddi; adran 63(1) o Ddeddf Trafnidiaeth a Gweithfeydd 1992 (p. 42) a pharagraff 1 o Atodlen 3 iddi; rheoliad 2 o O.S. 2006/1117 a'r Atodlen (Rhan 1) iddo; gan adran 36 o Ddeddf Cynllunio 2008 (p. 29) a pharagraffau 8 a 9 o Atodlen 2 iddi; a chan erthygl 2 o O.S. 2009/1941 a pharagraff 12 o Atodlen 1 iddo.

2024 No. 147 (W. 32)

HARBOURS, DOCKS, PIERS AND FERRIES

The Port Talbot Harbour (Extension of Limits) Harbour Revision Order 2024

Made	*13 February 2024*
Coming into force	*24 February 2024*

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SCHEDULE 1 — Added Area
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In accordance with section 14(1) of the Harbours Act 1964(**1**) ("the Act"), this Order is made in relation to a harbour which is being improved, maintained or

(**1**) 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); the Transport and Works Act 1992 (c. 42), section 63(1) and Schedule 3, paragraph 1; by S.I. 2006/1117, 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.

neu ei reoli gan awdurdod harbwr wrth arfer a chyflawni pwerau a dyletswyddau statudol, i gyflawni amcanion a bennir yn Atodlen 2 i'r Ddeddf(**1**).

Mae Associated British Ports, sef yr awdurdod harbwr ar gyfer Harbwr Port Talbot, wedi gwneud cais yn unol ag adran 14(2)(a) o'r Ddeddf am orchymyn diwygio harbwr o dan adran 14 o'r Ddeddf.

Mae swyddogaethau'r Gweinidog priodol at ddiben yr adran honno wedi eu trosglwyddo i Weinidogion Cymru(**2**).

Mae hysbysiad wedi ei gyhoeddi yn unol â gofynion paragraff 10 o Atodlen 3 i'r Ddeddf ac mae darpariaethau paragraffau 15 a 17 o Atodlen 3 i'r Ddeddf wedi eu bodloni. Ni wnaed unrhyw wrthwynebiadau i'r cais.

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adran 14(1) a (3) o'r Ddeddf, a chan eu bod yn fodlon bod gofynion adran 14(2)(b) ac 14(2B) o'r Ddeddf honno wedi eu bodloni, yn gwneud y Gorchymyn a ganlyn.

Enwi a dod i rym

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Diwygio Harbwr ar gyfer Harbwr Port Talbot (Estyn Terfynau) 2024.

(2) Daw'r Gorchymyn hwn i rym ar 24 Chwefror 2024.

Dehongli

2. Yn y Gorchymyn hwn—

ystyr "yr ardal ychwanegol" ("*the added area*") yw'r ardal a ddisgrifir yn Atodlen 1 ac a ddangosir at ddiben adnabod yn unig ar y cynllun a nodir yn Atodlen 2;

ystyr "awdurdod yr harbwr" ("*the harbour authority*") yw Associated British Ports yn rhinwedd bod yn awdurdod harbwr ar gyfer Harbwr Port Talbot;

managed by a harbour authority in the exercise and performance of statutory powers and duties, for achieving objects specified in Schedule 2 to the Act(**1**).

Associated British Ports, as harbour authority for Port Talbot Harbour, has applied in accordance with section 14(2)(a) of the Act for a harbour revision order under section 14 of the Act.

The functions of the appropriate Minister for the purpose of that section have been transferred to the Welsh Ministers(**2**).

Notice has been published in accordance with the requirements of paragraph 10 of Schedule 3 to the Act and the provisions of paragraphs 15 and 17 of Schedule 3 to the Act have been satisfied. No objections to the application have been made.

The Welsh Ministers, in exercise of the powers conferred by section 14(1) and (3) of the Act and being satisfied that the requirements of sections 14(2)(b) and 14(2B) of that Act have been met, make the following Order.

Title and coming into force

1.—(1) The title to this Order is the Port Talbot Harbour (Extension of Limits) Harbour Revision Order 2024.

(2) This Order comes into force on 24 February 2024.

Interpretation

2. In this Order—

"the 1847 Act" ("*Deddf 1847*") means the Harbours, Docks and Piers Clauses Act 1847(**3**)

"the 1899 Act" ("*Deddf 1899*") means the Port Talbot Railway and Docks Act 1899(**4**);

"the 1964 Act" ("*Deddf 1964*") means the British Transport Docks Act 1964(**5**);

(**1**) Diwygiwyd Atodlen 2 yn berthnasol gan baragraff 9 o Atodlen 3 i Ddeddf Trafnidiaeth a Gweithfeydd 1992 (p. 42); adrannau 36(4) a 50(1) o Ddeddf Dociau a Harbyrau 1966 (p. 28); adrannau 58(7), 101(1), 141(6) 160(1)(2)(4), 163, 189(4)-10, 190 a 193(1) o Ddeddf Dŵr 1989 (p. 15), paragraff 31(1) o Atodlen 25 iddi, a pharagraffau 3(1)(2), 17, 40(4), 57(6) a 58 o Atodlen 26 iddi; a pharagraff 1 o Atodlen 1(I) i O.S. 2006/1177.

(**2**) Adran 29(1) a (29)(2)(b)(ii) o Ddeddf Cymru 2017 (p. 4), yn ddarostyngedig i baragraff 1(1) o Atodlen 1 i O.S. 2018/278.

(**1**) Schedule 2 was relevantly amended by the Transport and Works Act 1992 (c. 42), Schedule 3, paragraph 9; the Docks and Harbours Act 1966 (c. 28), sections 36(4) and 50(1); the Water Act 1989 (c. 15), sections 58(7), 101(1), 141(6) 160(1)(2)(4), 163 189(4)-10, 190, 193(1), Schedule 25, paragraph 31(1) and Schedule 26, paragraphs 3(1)(2), 17, 40(4), 57(6) and 58; and S.I. 2006/1177 Sch.1(I) para.1.

(**2**) Section 29(1) and 29(2)(b)(ii) of the Wales Act 2017 (c. 4), subject to S.I. 2018/278 Schedule 1 paragraph 1(1).

(**3**) 10 & 11 Vict. c 27

(**4**) 1899.c.cxcix

(**5**) 1964.c.xxxviii.

ystyr "Deddf 1847" ("*the 1847 Act*") yw Deddf Cymalau Harbyrau, Dociau, a Phierau 1847(**1**);

ystyr "Deddf 1899" ("*the 1899 Act*") yw Deddf Rheilffordd a Dociau Port Talbot 1899(**2**);

ystyr "Deddf 1964" ("*the 1964 Act*") yw Deddf Dociau Trafnidiaeth Prydain 1964(**3**);

ystyr "Deddf 1971" ("*the 1971 Act*") yw Deddf Dociau Trafnidiaeth Prydain 1971(**4**);

ystyr "Harbwr Port Talbot" ("*Port Talbot Harbour*") yw'r dociau a'r harbwr sy'n cynnwys ymgymeriad Associated British Ports ym Mhort Talbot;

ystyr "is-ddeddfau presennol yr harbwr" ("*the existing harbour byelaws*") yw is-ddeddfau Harbwr Port Talbot dyddiedig 1 Mawrth 1923, fel y'u hategir gan yr is-ddeddfau dyddiedig 29 Ebrill 1927.

"the 1971 Act" ("*Deddf 1971*") means the British Transport Docks Act 1971(**1**);

"the added area" ("*yr ardal ychwanegol*") means the area described in Schedule 1 and shown for the purpose of identification only on the plan set out in Schedule 2;

"the existing harbour byelaws" ("*is-ddeddfau presennol yr harbwr*") means the Port Talbot Harbour byelaws dated 1st March 1923 as supplemented by the byelaws dated 29th April 1927;

"the harbour authority" ("*awdurdod yr harbwr*") means Associated British Ports in its capacity as harbour authority for Port Talbot Harbour;

"Port Talbot Harbour" ("*Harbwr Port Talbot*") means the docks and harbour comprising the undertaking of Associated British Ports at Port Talbot .

Estyn terfynau awdurdodaeth

3.—(1) Mae terfynau Harbwr Port Talbot fel y'u diffinnir yn adran 23 (Terfynau presennol yr harbwr) o Ddeddf 1899 ac fel y'u hestynnir gan adran 19 (Estyn awdurdodaeth y docfeistr a'r harbwrfeistr, a therfynau'r harbwr) o Ddeddf 1971 yn cael eu hestyn ymhellach i gynnwys yr ardal ychwanegol.

(2) Yn ddarostyngedig i erthygl 4, bydd yr holl ddeddfiadau sy'n rhoi hawliau a phwerau i awdurdod yr harbwr neu ei harbwrfeistr, neu sy'n gosod dyletswyddau, rhwymedigaethau neu atebolrwyddau ar awdurdod yr harbwr neu ei harbwrfeistr, a gafodd effaith yn union cyn i'r Gorchymyn hwn ddod i rym o fewn yr harbwr, i gael effaith yn yr ardal ychwanegol.

Extension of limits of jurisdiction

3.—(1) The limits of Port Talbot Harbour as defined in section 23 (Existing limits of harbour) of the 1899 Act and extended by section 19 (Extension of dock and harbour master's jurisdiction and of limits of harbour) of the 1971 Act are further extended to include the added area.

(2) Subject to article 4 all enactments conferring rights and powers or imposing duties, obligations or liabilities upon the harbour authority or its harbour master which had effect immediately before the coming into force of this Order within the harbour are to have effect within the added area.

Cymhwyso deddfwriaeth bresennol

4.—(1) Mae Deddf 1847 yn cael effaith yn yr ardal ychwanegol fel y'i hymgorfforir â Deddf 1964 mewn perthynas â gweithfeydd Port Talbot a awdurdodir gan y Ddeddf honno.

(2) Ni fydd is-ddeddfau presennol yr harbwr yn gymwys i'r ardal ychwanegol.

(3) Ni ellir codi tollau llongau, nwyddau na theithwyr o fewn ystyr Deddf Harbyrau 1964 ar unrhyw long nac ar nwyddau a gludir ar y llong honno dim ond am fod y llong yn pasio drwodd yr ardal ychwanegol neu'n angori yn yr ardal ychwanegol ar fordaith i le, ac o le, y tu allan i Harbwr Port Talbot.

Application of existing legislation

4.—(1) The 1847 Act has effect within the added area as incorporated with the 1964 Act in relation to the Port Talbot works authorised by that Act.

(2) The existing harbour byelaws are not to apply to the added area.

(3) Ship, goods and passenger dues within the meaning of the Harbours Act 1964 may not be charged on any ship or on goods carried on that ship by reason only that the ship passes through or anchors within the added area on a voyage to and from a place outside Port Talbot Harbour.

(**1**) 10 ac 11 Vict. p. 27
(**2**) 1899.c.cxcix
(**3**) 1964.c.xxxviii.
(**4**) 1871.c.1ix

(**1**) 1871.c.1ix

(4) Ni chaniateir codi taliadau llywio o dan adran 10 (taliadau llywio) o Ddeddf Llywio 1987(**1**) ar unrhyw lestr sy'n pasio drwodd yr ardal ychwanegol neu'n angori yn yr ardal ychwanegol sy'n teithio i ardal awdurdod harbwr cymwys arall neu oddi yno, ac sy'n ddarostyngedig i gyfarwyddyd llywio gorfodol a wneir gan yr awdurdod hwnnw.

(5) Yn yr erthygl hon, ystyr "awdurdod harbwr cymwys" yw awdurdod harbwr cymwys at ddibenion Deddf Llywio 1987, ac ystyr "cyfarwyddyd llywio gorfodol" yw cyfarwyddyd a wneir o dan adran 7 (cyfarwyddydau llywio) o'r Ddeddf honno.

Hawliau'r Goron

5.—(1) Nid oes dim yn y Gorchymyn hwn—

(a) yn lleihau effaith unrhyw ystad, hawl, pŵer, braint, awdurdod neu esemptiad o eiddo'r Goron;

(b) yn awdurdodi Associated British Ports nac unrhyw un o drwyddedeion Associated British Ports i gymryd unrhyw dir neu unrhyw fuddiannau mewn tir neu unrhyw hawliau o ba ddisgrifiad bynnag, eu defnyddio, mynd arnynt, neu ymyrryd mewn unrhyw fodd â hwy (gan gynnwys unrhyw ran o lannau neu wely'r môr neu lannau neu wely unrhyw afon, sianel, cilfach, bae neu foryd) sy'n eiddo i—

(i) Ei Fawrhydi drwy hawl y Goron ac sy'n ffurfio rhan o Ystad y Goron heb gydsyniad ysgrifenedig Comisiynwyr Ystad y Goron, neu

(ii) adran o'r llywodraeth, neu a ddelir o dan ymddiriedolaeth i'w Fawrhydi at ddibenion adran o'r llywodraeth, heb gydsyniad ysgrifenedig yr adran honno o'r llywodraeth.

(2) Caniateir i gydsyniad o dan baragraff (1)(b) gael ei roi yn ddiamod neu'n ddarostyngedig i'r amodau hynny neu'r telerau hynny yr ystyrir eu bod yn angenrheidiol neu'n briodol.

(4) Pilotage charges under section 10 (pilotage charges) of the Pilotage Act 1987(**1**) may not be charged on any vessel passing through or anchoring in the added area which is travelling to or from an area of another competent harbour authority and is subject to a compulsory pilotage direction made by that authority.

(5) In this article "competent harbour authority" means a competent harbour authority for the purpose of the Pilotage Act 1987 and "compulsory pilotage direction" means a direction made under section 7 (pilotage directions) of that Act.

Crown rights

5.—(1) Nothing in this Order shall—

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

(b) authorise Associated British Ports or any licensee of Associated British Ports 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) belong to—

(i) His Majesty in right of the Crown and forming part of the Crown Estate 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.

Lee Waters

Y Dirprwy Weinidog Newid Hinsawdd,
un o Weinidogion Cymru
13 Chwefror 2024

Deputy Minister for Climate Change, one of the Welsh Ministers
13 February 2024

(**1**) 1987 p. 21.

(**1**) 1987 c. 21

ATODLEN 1 Erthygl 2

Ardal Ychwanegol

Ystyr yr ardal ychwanegol yw'r ardal o fewn Bae Abertawe, a ddangosir at ddiben adnabod yn unig ar y cynllun a nodir yn Atodlen 2, sydd â'i ffin yn llinell ddychmygol a dynnwyd rhwng y pwyntiau canlynol—

Pwynt	Lledred	Hydred
1	51° 35' 03.15893"G	003° 49' 58.92743"Gn
2	51° 35' 23.28499"G	003° 53' 52.82491"Gn
3	51° 34' 48.72388"G	003° 54' 16.40161"Gn
4.	51° 34' 09.25610"G	003° 56' 54.67783"Gn
5	51° 32' 40.80632"G	003° 58' 52.80959"Gn
6	51° 32' 37.04455"G	004° 05' 25.93474"Gn
7	51° 24' 59.63288"G	004° 09' 42.42239"Gn
8	51° 24' 59.70080"G	003° 58' 01.78030"Gn
9	51° 28' 33.70239"G	003° 55' 40.05564"Gn
10	51° 30' 05.51332"G	003° 49' 34.14032"Gn
11	51° 32' 13.91218"G	003° 51' 35.79793"Gn
12	51° 32' 50.42414"G	003° 50' 01.11214"Gn
13	51° 33' 35.46087"G	003° 50' 45.40336"Gn
14	51° 33' 28.55389"G	003° 51' 04.80125"Gn
15	51° 34' 01.50460"G	003° 51' 33.55558"Gn
16	51° 34' 38.486404"G	003° 49' 55.61939"Gn

SCHEDULE 1 Article 2

Added Area

The added area means the area within Swansea Bay, shown for the purpose of identification only on the plan set out in Schedule 2, bounded by an imaginary line drawn between the following points—

Point	Latitude	Longitude
1	51° 35' 03.15893"N	003° 49' 58.92743"W
2	51° 35' 23.28499"N	003° 53' 52.82491"W
3	51° 34' 48.72388"N	003° 54' 16.40161"W
4	51° 34' 09.25610"N	003° 56' 54.67783"W
5	51° 32' 40.80632"N	003° 58' 52.80959"W
6	51° 32' 37.04455"N	004° 05' 25.93474"W
7	51° 24' 59.63288"N	004° 09' 42.42239"W
8	51° 24' 59.70080"N	003° 58' 01.78030"W
9	51° 28' 33.70239"N	003° 55' 40.05564"W
10	51° 30' 05.51332"N	003° 49' 34.14032"W
11	51° 32' 13.91218"N	003° 51' 35.79793"W
12	51° 32' 50.42414"N	003° 50' 01.11214"W
13	51° 33' 35.46087"N	003° 50' 45.40336"W
14	51° 33' 28.55389"N	003° 51' 04.80125"W
15	51° 34' 01.50460"N	003° 51' 33.55558"W
16	51°34' 38.48644"N	003° 49' 55.61939"W

ATODLEN 2 Erthygl 2

Plan o'r Ardal Ychwanegol

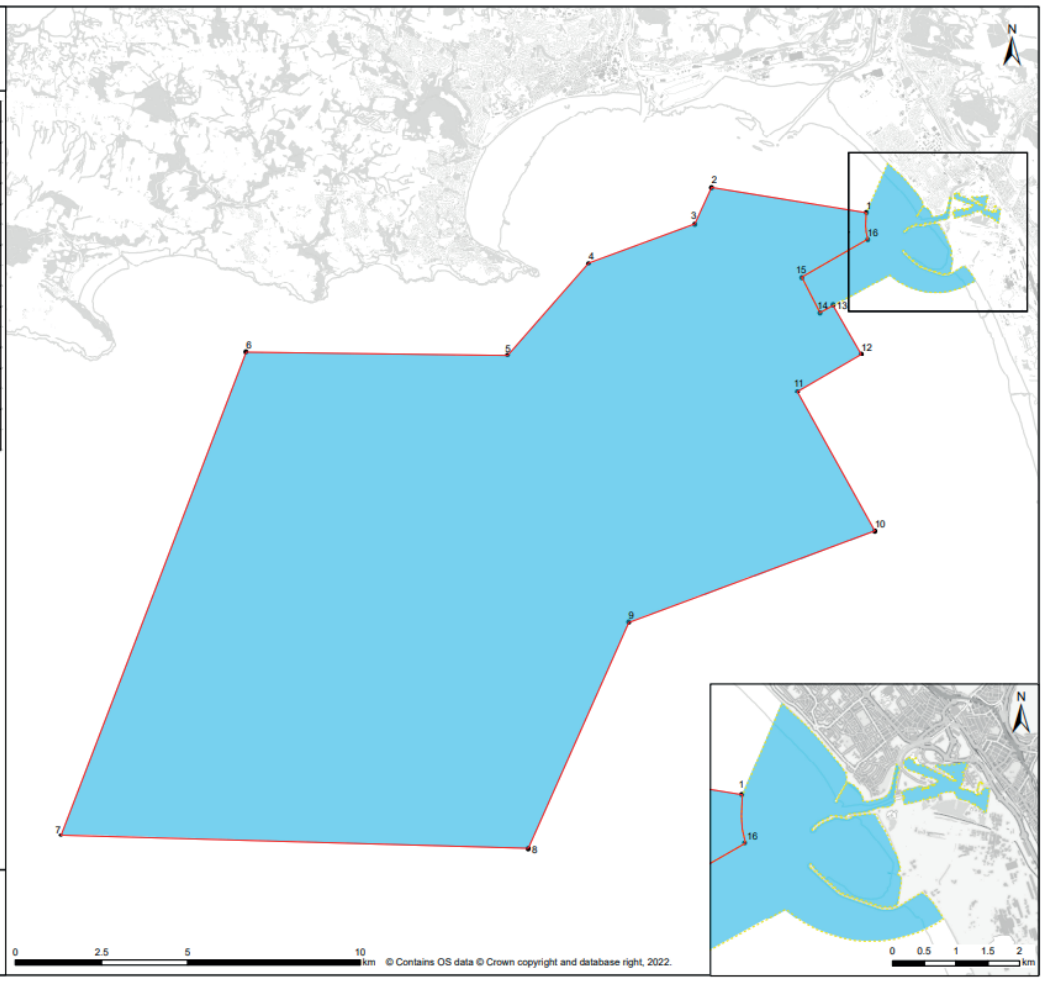
Plan Terfynau Harbwr Port Talbot

Pwynt	Lledred (WGS1984)	Hydred (WGS1984)
1	51° 35' 03.15893"Gog	003° 49' 58.92743"Gor
2	51° 35' 23.28499"Gog	003° 53' 52.82491"Gor
3	51° 34' 48.72388"Gog	003° 54' 16.40161"Gor
4	51° 34' 09.25610"Gog	003° 56' 54.67783"Gor
5	51° 32' 40.80632"Gog	003° 58' 52.80959"Gor
6	51° 32' 37.04455"Gog	004° 05' 25.93474"Gor
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13	51° 33' 35.46087"Gog	003° 50' 45.40336"Gor
14	51° 33' 28.55389"Gog	003° 51' 04.80125"Gor
15	51° 34' 01.50460"Gog	003° 51' 33.55558"Gor
16	51° 34' 38.48644"Gog	003° 49' 55.61939"Gor

Estyniad Arfaethedig SHA Port Talbot

Terfyn Presennol SHA Port Talbot

ABP | ASSOCIATED BRITISH PORTS

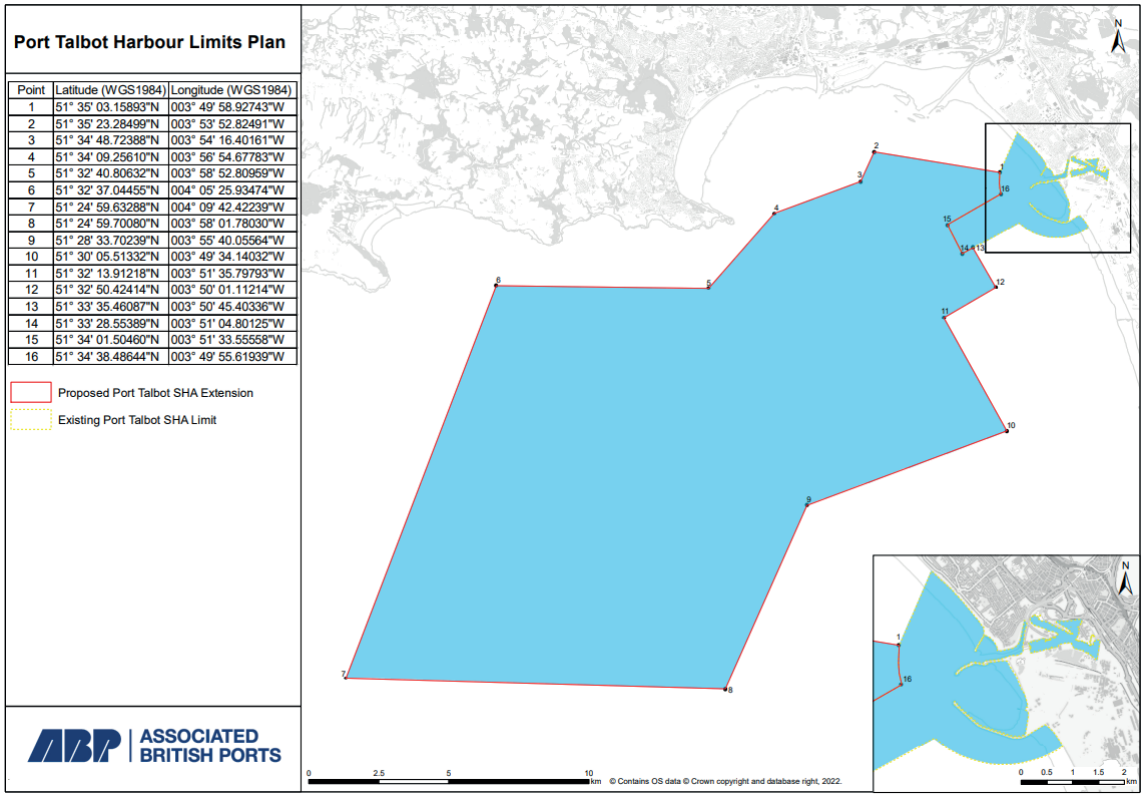


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Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Jeff James, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd Deddfau Senedd y Brenin.

SCHEDULE 2 Article 2

Plan of Added Area



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