STATUTORY INSTRUMENTS

2025 No. 1223

HARBOURS, DOCKS, PIERS AND FERRIES

The Portsmouth International Port and Camber Harbour Revision Order 2025

Made - - - -	*20th November 2025*
Laid before Parliament	*24th November 2025*
Coming into force	*15th December 2025*

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Portsmouth City Council has applied for a harbour revision order in accordance with 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(**d**) to the Marine Management Organisation(**e**).

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

(**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.

PART 1

PRELIMINARY

Citation, commencement and extent

1.—(1) This Order may be cited as the Portsmouth International Port and Camber Harbour Revision Order 2025 and comes into force on 15th December 2025.

(2) This Order extends to England and Wales.

Interpretation

2.—(1) In this Order—

"the 1847 Act" means the Harbours, Docks and Piers Clauses Act 1847(**a**);

"the 1959 Act" means the Portsmouth Corporation Act 1959(**b**);

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

"the 1972 Act" means the Local Government Act 1972(**d**);

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

"the 2000 (MWLS) Order" means the Portsmouth (Millennium Waterbus Landing Stages) Harbour Revision Order 2000(**f**);

"the 2000 (TSB) Order" means the Portsmouth (Tall Ships Berths) Harbour Revision Order 2000(**g**);

"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 port not within the Camber wet port area or the Portsmouth International Port wet port area;

"the Camber" means the area described in article 4(3);

"the Camber Port Limits Plan" means the plan prepared in duplicate, signed on behalf of the Marine Management Organisation and marked "Signed Camber Port Limits Plan referred to in the Portsmouth International Port and Camber Harbour Revision Order 2025" one copy of which is deposited at the office of the Marine Management Organisation(**h**) and one copy at the port office(**i**);

"the Camber Port Premises" means land adjacent to the Camber wet port area vested in, occupied or administered (for the time being) by the Council as part of the Camber Undertaking and occupied wholly or mainly for the purpose of activities there carried on, which may include docks, quays, piers, wharves, berths, locks, breakwaters, car parks, landing places, yards, roads, sheds, buildings and all other works and conveniences, land and premises which at the date of this Order includes the areas shown outlined by a thick red line on the Camber Port Premises Plan;

"the Camber Port Premises Plan" means the plan prepared in duplicate, signed on behalf of the Marine Management Organisation and marked "Signed Camber Port Premises Plan referred to in the Portsmouth International Port and Camber Harbour Revision Order 2025" one copy of

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(**a**) 1847 c. 27.
(**b**) 1959 c. xlv (7 & 8 Eliz 2).
(**c**) 1964 c. 40.
(**d**) 1972 c. 70.
(**e**) 1995 c. 21.
(**f**) S.I. 2000/2251.
(**g**) S.I. 2000/2103.
(**h**) The Marine Management Organisation, Tyneside House, Skinnerburn Road, Newcastle Business Park, Newcastle upon Tyne NE4 7AR.
(**i**) Portsmouth International Port Office, Northern Exit Building, Whale Island Way, Portsmouth PO2 8EB.

which is deposited at the office of the Marine Management Organisation and one copy at the port office;

"the Camber Undertaking" means the undertaking of the Council in respect of the Camber authorised by this Order and the Acts and Orders in Part 1 of Schedule 3 (Acts and Order);

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

"charges" means the charges, rates, tolls and dues which the Council is authorised to demand, take and recover in relation to the port undertaking;

"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;

"the Council" means Portsmouth City Council;

"the Dockyard Port" means the Dockyard Port of Portsmouth the limits of which are defined in article 3 of the Dockyard Port of Portsmouth Order 2005(**a**) (description of limits);

"electronic communications network" has the meanings given by section 32 to the Communications Act 2003(**b**) (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;

"general direction" means a direction given under article 23 (power to make general directions as to the use of the port, etc.);

"harbour master" means any person appointed as such by the Council, and includes the duly authorised deputies and assistants of the harbour master and any person authorised by the Council to act, either generally or for a specific purpose, in the capacity of 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 King's Harbour Master" means any person appointed as such under the Dockyard Ports Regulation Act 1865(**c**) to be the King's harbour master for the Dockyard Port, and includes the duly authorised deputies and assistants of the King's harbour master and any other person authorised to act, either generally or for a specific purpose, in the capacity of the King's harbour master;

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

"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 Schedule 3A to the Communications Act 2003 (the electronic communications code);

"port" means the Portsmouth International Port and the Camber;

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

"port functions" means the powers and duties at and in connection with the port undertaking including those authorised by this Order and the Acts and Orders listed in Schedule 3 (Acts and Orders);

"port limits plans" means the Camber Port Limits Plan and the Portsmouth International Port Limits Plan;

(**a**) S.I. 2005/1470.
(**b**) 2003 c. 21.
(**c**) 1865 c. 125 (28 & 29 Vict).

"port operations" include—

(a) the marking, lighting or dredging of the port or any part of the port;

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

(c) the laying and maintenance of moorings or other similar apparatus in the port;

(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 port);

(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 port 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;

"port premises" means the Camber Port Premises and the Portsmouth International Port Premises;

"port premises plans" means the Camber Port Premises Plan and the Portsmouth International Port Premises Plan;

"port revenue" means and includes all moneys receivable by the Council for and in relation to the port undertaking other than borrowed moneys and moneys which ought to be carried to capital account;

"port undertaking" means the Camber Undertaking and the Portsmouth International Port Undertaking;

"Portsmouth International Port" means the area described in article 4(2);

"Portsmouth International Port Limits Plan" means the plan prepared in duplicate, signed on behalf of the Marine Management Organisation and marked "Signed Portsmouth International Port Limits Plan referred to in the Portsmouth International Port and Camber Harbour Revision Order 2025" one copy of which is deposited at the office of the Marine Management Organisation and one copy at the port office of the Council;

"Portsmouth International Port Premises" means land adjacent to the Portsmouth International Port wet port area vested in, occupied or administered (for the time being) by the Council as part of the Portsmouth International Port Undertaking and occupied wholly or mainly for the purpose of activities there carried on, which may include docks, quays, piers, wharves, berths, locks, breakwaters, car parks, landing places, yards, roads, sheds, buildings and all other works and conveniences, land and premises which at the date of this Order includes the areas shown outlined by a thick red line on the Portsmouth International Port Premises Plan;

"Portsmouth International Port Premises Plan" means the plan prepared in duplicate, signed on behalf of the Marine Management Organisation and marked "Signed Portsmouth International Port Premises Plan referred to in the Portsmouth International Port and Camber Harbour Revision Order 2025" one copy of which is deposited at the office of the Marine Management Organisation and one copy at the port office of the Council;

"the Portsmouth International Port Undertaking" means the undertaking of the Council authorised by this Order and the Acts and Orders in Part 2 of Schedule 3 (Acts and Orders);

"Portsmouth International Port User Group" means the body or bodies established in accordance with article 6 (advisory bodies);

"Portsmouth International Port wet port area" means those parts of Portsmouth International Port which are covered by water at the level of low water;

"special direction" means a direction given under article 26 (special directions);

"statutory undertaker" means—

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

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

(c) any operator of an electronic communications network;

"tidal work" means so much of any works within the port 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(**c**);

"vehicle" includes any vehicle propelled on rails, any machinery on wheels or caterpillar tracks, trailers, bicycles, caravans and mobile homes and includes a hovercraft or any other amphibious vehicle;

"vessel" includes a ship(**d**), 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 section 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 inserted after each such situation, point, direction, distance, length, dimension, area or other measurement.

Incorporation of Harbours, Docks and Piers Clauses Act 1847

3.—(1) The 1847 Act, except sections 6 to 20, 22 to 26, 28 to 32, 35, 37, 38, 41, 42, 49, 50, 54, 55, 59 to 62, 66, 67, 69 to 73, 75, 77, 84 to 92 and 97 to 102, so far as applicable to the purposes and not inconsistent respectively with the provisions of—

(a) this Order;

(b) the 1959 Act insofar as it relates to the port;

(c) the 2000 (TSB) Order insofar as it relates to the Camber; and

(d) the 2000 (MWLS) Order insofar as it relates to the Camber,

is incorporated into those Acts and Orders respectively subject to the modifications stated in paragraphs (2) to (5) below, and any existing incorporation of the 1847 Act into those Acts and Orders respectively, insofar as mentioned above, ceases to have effect.

(2) Section 53 of the 1847 Act (penalty on shipmasters not complying with directions of the harbour master) has effect subject to the modifications that for the words "level 2" there are substituted the words "level 4".

(3) Section 63 of the 1847 Act (penalty on vessels lying near the entrance of harbour or dock without permission) has effect subject to the modification that for the words from "liable to" to the end of the section there are substituted the words "guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale".

(**a**) 1990 c. 8.
(**b**) 1949 c. 74; section 1 was amended by the Local Government Act 1972 (c. 70), Schedule 30.
(**c**) The Corporation of Trinity House, Tower Hill, London EC3N 4DH.
(**d**) As defined in section 57 (interpretation) of the Harbours Act 1964 (c. 40).

(4) Section 74 of the 1847 Act (owner of vessel answerable for damage to works) has effect subject to the modification that the words "provided always" to the end of the section are omitted.

(5) In construing the provisions of the 1847 Act as incorporated under paragraph (1)—

(a) the expression "the special Act" means this Order, the 1959 Act, the 2000 (TSB) Order and the 2000 (MWLS) Order respectively;

(b) the expression "the undertakers" means the Council;

(c) the expression "the harbour, dock, or pier" means—

(i) the port in respect of this Order and the 1959 Act,

(ii) the Camber in respect of the 2000 (TSB) Order and the 2000 (MWLS) Order;

(d) for the definition of the word "vessel" in section 3 (interpretation) of the 1847 Act there is to be substituted the definition of that word in article 2(1) of this Order;

(e) the reference in section 53 of the 1847 Act to "notice" of a direction served by the harbour master is not to be construed as requiring the notice to be in writing and may include the communication of the notice orally or otherwise.

PART 2

PORT JURISDICTION, GENERAL FUNCTIONS AND ADVISORY BODIES

Port jurisdiction

4.—(1) The Council exercises jurisdiction as a harbour authority within the meaning of section 57 of the 1964 Act (interpretation), and the powers of the harbour master are exercisable, within the port, the limits of which are described in paragraphs (2) and (3).

(2) The limits of Portsmouth International Port within which the Council exercises jurisdiction as a harbour authority, and the powers of the harbour master are exercisable, comprise—

(a) the area below the level of high water included within the area shaded yellow on the Portsmouth International Port Limits Plan; and

(b) the extent of those parts of the Portsmouth International Port Premises not within the area described in sub-paragraph (a).

(3) The limits of the Camber within which the Council is to exercise jurisdiction as a harbour authority, and the powers of the harbour master are exercisable, comprise—

(a) the area below the level of high water included within the area shaded yellow on the Camber Port Limits Plan; and

(b) the extent of those parts of the Camber Port Premises not within the area described in sub-paragraph (a).

(4) In the event of any discrepancy between the descriptions of the port premises and the boundaries shown on the port premises plans, or any replacement plans required under sub-paragraph (6)(b), the descriptions in question prevail over the said plans.

(5) The port premises are deemed to be operational land within the meaning and for the purposes of the Town and Country Planning Act 1990(**a**).

(6) The Council must keep and make available for inspection at the port office and on the port website—

(a) the port limits plans; and

(b) the port premises plans or, in the event of any alterations to the extent of the port premises, replacement plans reflecting the extent of those alterations(**b**).

(**a**) 1990 c. 8.

(**b**) The plans may be inspected during office hours at the port office at Portsmouth International Port Office, Northern Exit Building, Whale Island Way, Portsmouth PO2 8EB and via the port website at www.portsmouth-port.co.uk.

(7) Any replacement plans required under sub-paragraph (6)(b) must be made available within the period of 30 days beginning with the day on which the alterations are made.

(8) For and incidental to the performance of its port functions, the Council may employ and appoint harbour masters.

(9) The Council, within the port, is a local lighthouse authority within the meaning of section 193 of the 1995 Act (general and local lighthouse authorities) and section 201 of that Act (powers of harbour authorities).

General functions

5.—(1) The Council may, subject to the provisions of this Order, take all such steps as it considers necessary or desirable for the maintenance, operation, management and improvement of the port and the port facilities provided within the port or in connection with the port undertaking, and for the conservation of the port's flora, fauna and geological and physiographical features of special interest.

(2) For those purposes and without limiting the scope of paragraph (1), the Council may—

(a) improve, maintain, regulate, manage, mark and light the port and provide port facilities;

(b) subject to holding the necessary rights in or over land—

(i) execute and place in and over the port such structures, works and equipment as are required, and

(ii) operate, maintain, renew, alter, extend, demolish and reconstruct structures, port facilities, works and equipment in the port (including those executed or placed pursuant to sub-paragraph (i));

(c) acquire land;

(d) do all other things which in its opinion are expedient to facilitate the operation, improvement or development of the port undertaking.

(3) The Council must publish and maintain a business plan ("Port Business Plan")(**a**) in relation to the maintenance, conservation, operation, management and improvement of the port undertaking, which it must have regard to when performing its port functions.

(4) In the exercise of the powers of sub-paragraph (2)(b), the Council 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;

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

(5) This article is without limitation of the powers of the Council under or by virtue of any other enactment.

Advisory bodies

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

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

(3) The Council must take into consideration within a reasonable period any matter, recommendation or representation which may be referred or made to it by such an advisory body

(**a**) The Port Business Plan may be inspected during office hours at the port office at Portsmouth International Port Office, Northern Exit Building, Whale Island Way, Portsmouth PO2 8EB and via the port website at www.portsmouth-port.co.uk.

established under this article whether or not that advisory body has been consulted by the Council 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 Council as the Council considers appropriate.

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

(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 such 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 Council.

PART 3

FINANCIAL

Application of finances

7. The Council must apply the port revenue in the following way—

(a) firstly, in payment of the working and establishment expenses and cost of maintenance of the port;

(b) secondly, in payment of the interest on any moneys borrowed by the Council for the port under any statutory borrowing power;

(c) thirdly, in payment of all other expenses properly chargeable to port revenue;

(d) fourthly, to any reserve fund maintained under article 8 (reserve fund);

(e) fifthly, any surplus revenue, not required for the above purposes may be transferred to the Council's general fund and used for purposes not related to the port undertaking.

Reserve fund

8.—(1) The Council may have and maintain a reserve fund.

(2) The Council may carry to any such reserve fund such part of the port revenue that is—

(a) available in accordance with article 7(d); and

(b) required for the purposes of the port undertaking.

(3) Any reserve fund established or maintained under this article must be applied by the Council in its discretion—

(a) in or towards meeting any deficiency in port revenue for the purposes of article 7(a) to (c) in any year;

(b) to meet any extraordinary claim or demand in respect of the port undertaking;

(c) in or towards payment of the cost of renewing, improving, extending or replacing any part of the works forming part of the port undertaking or any vessels, plant or equipment of the Council connected to the port undertaking;

(**a**) The scheme may be inspected via the port website at www.portsmouth-port.co.uk.

(d) for improving the operational area and the navigation of the port and the approaches to the port;

(e) for any other lawful purpose sanctioned by the Council and connected with the port undertaking.

Borrowing

9.—(1) The Council may borrow, by any methods it sees fit, such sums of money as it thinks necessary for the purposes of the port undertaking.

(2) A sum of money borrowed under paragraph (1) by the Council may be borrowed upon the security of some or all of—

(a) its assets;

(b) its revenues;

(c) a combination of its assets and revenues.

(3) The Council may effect such arrangements as it thinks fit to mitigate against any financial risk incurred in the exercise of its power under paragraph (1).

Temporary borrowing

10. The Council may borrow temporarily, by way of overdraft or otherwise, such sums of money as the Council may require for the purposes of the port undertaking.

PART 4

PORT REGULATION

Aids to navigation

11.—(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 Council may erect, place, alter, discontinue or remove any aid to navigation in any place adjacent to the port.

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

Repair of landing places, etc.

12.—(1) The Council may serve a notice on the owner, lessee or occupier of a relevant feature requiring them to remedy its condition to the Council's reasonable satisfaction within a reasonable time, not being less than 21 days, specified in the notice where, in the opinion of the Council, it is, or is likely to become, by reason of its insecure condition or want of repair—

(a) dangerous to persons or vessels using the port; or

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

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

(a) sufficient detail to identify the relevant feature;

(b) the reason why the Council considers 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 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 4 on the standard scale; and

(b) the Council 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 Council copies of the notice of the appeal and the statement of appeal within 7 days of lodging, and the Council 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) In this article—

(a) "owner", "lessee", and "occupier", in relation to a relevant feature, 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", "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, aid to navigation, structure or other work in the port or on land immediately adjoining the land below the level of high water in the port, other than one under the control or management of the Council.

Restriction of works and dredging

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

(a) construct, alter, renew or extend any works, unless that person is licensed to do so by a works licence, and except upon the terms and conditions, if any, upon which the licence is granted and in accordance with plans, sections and particulars approved under article 15 (licensing of works); or

(b) dredge, unless that person is licensed to do so by a dredging licence, and except upon the terms and conditions, if any, upon which the licence is granted and in accordance with the plans, sections and particulars approved under article 16 (licence to dredge).

(2) The Council 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 Council may carry out the works so required and may recover the costs incurred from that person.

(4) Nothing in this article applies to—

(a) any operations or works specifically authorised by any enactment;

(b) any operations or works authorised by, or carried out under the authority of, the King's Harbour Master;

(c) any operations or works of a statutory undertaker;

(d) any operations or works authorised by a moorings licence granted under article 44 (power to licence 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

14.—(1) This article applies to any operations or works in the port 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 Council and has supplied the Council with such particulars as it 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 Council 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 general direction or special direction which may be given by the Council or the harbour master 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

15.—(1) The Council may upon such terms and conditions as it thinks fit grant to any person a licence to construct, maintain, alter, renew or extend any works in the port on, under, in or over tidal waters or land below the level of high water, notwithstanding that the works as constructed, maintained, altered, renewed, or extended interfere with the public right of navigation or any other public right.

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

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

(6) As a condition of the granting of a licence, the Council 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 Council's administrative expenses and overheads in supervising or inspecting where necessary the carrying out or maintenance of the works.

(7) Where the Council refuses to grant a works licence under this article, it must give reasons in writing for its refusal.

(8) Where the Council grants a works licence upon terms or conditions or requires any modification in the plans, sections and particulars, it 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 Council does 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;

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

Licence to dredge

16.—(1) The Council may, upon such terms and conditions as it thinks fit, grant to any person a licence to dredge in any part of the port.

(2) An application for a dredging licence must be made in writing to the Council 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 Council 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 15 (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 port below the level of high water except—

(i) in such positions as may be approved by the Council and the King's Harbour Master, and

(ii) subject to such conditions as may be imposed by the Council and the King's Harbour Master.

(6) If it appears to the holder of the dredging licence that the Council or the King's Harbour Master has unreasonably withheld or refused approval under paragraph (5) or that any condition imposed by the Council or the King's Harbour Master under that paragraph is unreasonable, that person may within 28 days from the date on which the Council or the King's Harbour Master notifies the applicant of the decision, appeal to the Secretary of State whose decision is binding upon the parties.

(7) Paragraphs (2) to (5) of article 17 (appeals in respect of works or dredging licences) apply in relation to any appeal made under paragraph (6).

Appeals in respect of works or dredging licences

17.—(1) An applicant for a works licence or a dredging licence may appeal to the Secretary of State within 28 days from the date on which the Council notifies the applicant of its decision or the date of deemed refusal under article 15(9) in relation to—

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

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

(c) any modifications required by the Council 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 Council copies of the notice of the appeal and the statement of appeal within 7 days of lodging, and the Council 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 Council to give effect to the decision, and the Council must forthwith comply with any direction given.

Obstruction of works

18. Any person who intentionally obstructs any person acting under the authority of the Council in setting out the lines of, or in the construction of any works authorised by any enactment, or who interferes with, moves or removes any pole, stake, station point or benchmark established for the purposes of such setting out, is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Parking places and related facilities

19. The Council may provide facilities within the port for the parking of vehicles and for that purpose may erect barricades or fencing with related offices, waiting rooms and other conveniences and may make reasonable charges for the use of such facilities.

Removal of vehicles and vessels

20.—(1) The Council may, at risk of the owner, remove or cause to be removed any vehicle or vessel left within the port without the permission of the Council—

(a) in any place where it is likely to obstruct or interfere with the use of the port; or

(b) in any part of the port where the parking of vehicles or leaving of vessels is prohibited by notice erected by the Council.

(2) Any notice erected under sub-paragraph (1)(b) must be conspicuously posted in or close to the place to which it relates.

(3) Where the Council in exercise of the powers of this article removes a vehicle or vessel or causes it to be removed, it must as soon as practicable report that fact to the police.

(4) The reasonable expenses of and incidental to the removal of a vehicle or vessel under this article are recoverable from any person responsible.

(5) For the purposes of paragraph (4), "person responsible" means—

(a) the owner of the vehicle or vessel at the time when it was put in the place from which it was removed under paragraph (1); or

(b) any person by whom the vehicle or vessel was put in that place.

(6) If the Council removes a vehicle to a place not readily visible from where it was removed, the Council must, as soon as reasonably practicable, send notice that it has exercised powers under this article, and confirming where the vehicle has been taken, to the registered keeper of the vehicle at their registered address for the purposes of the Road Vehicles (Registration and Licensing) Regulations 2002(**a**) or any other regulations having like effect in force.

(7) A notice stating the general effect of paragraph (1) must be displayed in a prominent position at each place where a road accessible to vehicles enters any part of the port.

(**a**) S.I. 2002/2742.

Power to make byelaws

21.—(1) The Council may make such byelaws as it thinks fit for the efficient management and regulation of the port.

(2) Without limiting the scope of paragraph (1), the Council may make byelaws under this article for any of the purposes set out in Schedule 1 (purposes for which byelaws may be made) but such byelaws are not to come into operation until the same have received the confirmation of the Secretary of State.

(3) In Schedule 1, "signals" includes sound signals.

(4) Byelaws made under this article may—

(a) on summary conviction, impose a fine not exceeding level 4 on the standard scale upon a person who has contravened any byelaw, or any condition, requirement or direction imposed, made or given under a byelaw;

(b) relate to the whole of the port or to any part of the port;

(c) make different provisions for different parts of the port or in relation to different classes of vessels or vehicles;

(d) otherwise make different provision for different circumstances.

(5) Where a person is charged with an offence of contravening any byelaw made under this article, it is a defence for the person to prove that—

(a) they took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence;

(b) they had a reasonable excuse for their act or failure to act;

(c) the offence was not caused or facilitated by any act or neglect on their part or on the part of any person engaged or employed by them and that all reasonable steps were taken to prevent the commission of the offence.

(6) The powers in this article are in addition to the powers conferred by section 83 of the 1847 Act (byelaws may be made for all or any of the purposes herein named).

Confirmation of byelaws

22.—(1) The provisions contained in subsections (3) to (8) of section 236 (procedure etc., for byelaws) of the 1972 Act and section 238 of that Act (evidence of byelaws) apply to all byelaws made after the coming into force of this Order by the Council under this Order or section 83 of the 1847 Act (byelaws may be made for all or any of the purposes herein named).

(2) In its application to byelaws made under this Order or section 83 of the 1847 Act, section 236 of the 1972 Act has effect, subject to paragraph (3), as if after the word "confirm" in subsection 236(7), in the first place where that word occurs, there were inserted the words "with or without modification".

(3) Where the confirming authority proposes to make a modification which appears to the confirming authority to be substantial, then the confirming authority must—

(a) inform the Council and require it to take any steps the confirming authority thinks necessary for informing persons likely to be concerned with that modification;

(b) not confirm the byelaws until there has elapsed such period as the confirming authority thinks reasonable for the Council and other persons who have been informed of the proposed modifications to consider and comment on it.

(4) The confirming authority for the purposes of this article and of section 236 of the 1972 Act, in its application to byelaws made under this Order or section 83 of the 1847 Act, is the Secretary of State.

Power to make general directions as to the use of the port, etc.

23.—(1) The Council may, in accordance with the requirements of article 24 (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 port operations ashore,

within the port.

(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 port 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 Council may amend or revoke a direction given under paragraph (1).

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

Procedure for giving, amending or revoking general directions

24.—(1) Subject to paragraph (7), if the Council proposes to give, amend or revoke a general direction, it 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 King's Harbour Master,

(iv) Portsmouth International Port User Group, and

(v) such other persons as it considers 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 port website and in prominent locations at the port 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 from 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 Council regarding the proposal;

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

(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 Council proposes to proceed with the proposal and, if so, specifying whether it is making any modifications to the proposal and its reasons for doing so; and

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(**a**) The public register of all in force general directions may be inspected during office hours at the port office located at Portsmouth International Port Office, Northern Exit Building, Whale Island Way, Portsmouth PO2 8EB and via the port website at www.portsmouth-port.co.uk.

(f) if the Council 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 from the date of the notice given in accordance with sub-paragraph (e), or such longer period as the Council may specify.

(2) Where the Council has complied with paragraph (1), it 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 sub-paragraph (1)(f); or

(c) where a designated consultee has maintained an objection 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 Council 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 Council and each designated consultee maintaining an objection 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 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 Council 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 it has decided, must give notice in writing to the designated consultees and to any other person that provided a consultation response of its 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 Council 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 sub-paragraph (1)(e), and where paragraph (3) applies the form recommended by the adjudicator under sub-paragraph (3)(b), it 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 Council proposes to give or amend a general direction—

(a) in an emergency; or

(b) relating to an intended activity or operation within the port, if—

(i) the intended activity or operation is expected to commence within 16 weeks of the Council 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 Council 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 Council proceeds to give or amend a general direction in accordance with paragraph (7), it 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 Council determining that the direction or amendment should remain in force.

Publication of general directions

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

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

Special directions

26.—(1) The harbour master may give a special direction in respect of a vessel anywhere in the port for any of the following purposes—

(a) requiring a person to comply with a requirement made in or under a general direction;

(b) regulating or requiring the movement, anchorage, berthing, mooring or unmooring of the vessel;

(c) regulating the loading, discharging, storing and safeguarding of its cargo, fuel, water or stores, and the dispatch of its business at the port premises;

(d) specifying the precautions to be taken in respect of apparatus, machinery and equipment;

(e) prohibiting, extinguishing or restricting the use of fires or lights;

(f) regulating the discharge or use of ballast;

(g) requiring the removal 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 (including wildlife) 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,

(iv) needs to be removed to enable maintenance or repair work to be carried out to the port;

(h) requiring the vessel to be removed to a place outside the port if such removal is considered by the harbour master to be necessary in order to avoid danger to life (including wildlife) or to property.

(2) A special direction relating to a vessel must specify a particular person to whom the direction is addressed, either by name or by a description sufficient to enable the person in question to be identified.

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

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

Priority of directions

27. In the event of conflict between a special direction given by the harbour master or a general direction given by the Council and a direction given by the King's Harbour Master or other regulation applying to the Dockyard Port, the direction of the King's Harbour Master or the regulation as appropriate prevails.

Failure to comply with directions

28.—(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) 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

29.—(1) Without limiting any other remedy available to the Council, if a special direction is not complied with within a reasonable time, the harbour master may put persons on board the vessel subject to the special direction 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 the vessel to comply with a special direction and, after reasonable inquiry has been made, the master cannot be found, the harbour master may proceed as if the direction had been given and not complied with.

(3) Expenses incurred by the Council in the exercise of the powers conferred by paragraph (1) are recoverable by the Council as if they were a charge of the Council in respect of the vessel.

Master's responsibility in relation to directions

30. 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 in relation to which the direction is given, in relation to the vessel, its cargo, persons on board the vessel or any other vessel, person or property.

Saving for existing directions, byelaws etc.

31. Any direction, byelaw, regulation, licence, lease, consent or other agreement made, issued, entered into or granted by the Council in relation to the port undertaking and in force immediately before or on the date on which this Order comes into force continue to have effect notwithstanding the amendments set out in articles 62 to 68 and the repeals and revocations set out in article 69 and Schedule 2.

PART 5

CHARGES

Charges other than ship, passenger and goods dues

32. The Council 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 as defined by section 57(1) of the 1964 Act, entering, using, within or leaving the port 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 may apply to ship, passenger and goods dues demanded under section 26 of the 1964 Act.

Charges for services or facilities

33. In addition to article 32 (charges other than ship, passenger and goods dues) and its power to demand ship, passenger and goods dues under section 26 of the 1964 Act, the Council may demand, take and recover such reasonable charges for services and facilities provided by the Council at the port or in connection with the port undertaking as it may determine.

Payment of charges

34.—(1) The charges which the Council is authorised to demand, take and recover in respect of vessels and goods or otherwise under any enactment—

(a) are payable before the removal from the port of any vessel or goods in respect of which they are payable;

(b) may be demanded, taken and recovered—

(i) by such persons,

(ii) at such places,

(iii) at such times,

(iv) under such terms and conditions,

as the Council may specify in its published list of charges.

(2) Charges payable to the Council in respect of—

(a) a vessel, are payable by the owner or master;

(b) goods, are payable by the owner, consignee or shipper of the goods.

(3) Where charges payable to the Council may be recovered from more than one person, the persons from whom they may be recovered are jointly and severally liable.

(4) Without limiting the scope of paragraph (1), any terms and conditions regarding the payment of charges which the Council may specify may include—

(a) the time when a charge is due for payment;

(b) requirements for such information to be given to the Council by the owner or master of a vessel or goods, or a person using a service or facility of the Council, as the Council may require in connection with the assessment or collection of a charge.

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

(a) the vessel or goods to which the charges relate; and

(b) any other vessels or goods that the owner or master of the vessel or goods to which the charges relate is also the owner or master of.

Composition agreements and rebates

35.—(1) The Council may confer total or partial exemptions from, allow rebates to or make compositions with any person with respect to charges, and may vary or withdraw any such exemption, rebate or composition.

(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 Council to include in the list of ship, passenger and goods dues kept at the port office, 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.

Deposit for charges

36.—(1) The Council may, if it thinks fit, require a person who incurs or is about to incur a charge to deposit with it, or to guarantee, such sum of money as is, in the opinion of the Council, reasonable having regard to the amount or probable amount of the charge.

(2) Where such a person fails to deposit or guarantee the sum of money required, the Council may detain in the port the vessel or goods to which the charge relates, or refuse entry to, or require removal from the port in respect of the vessel or goods, until the requirement has been complied with or the charge paid.

(3) Where such a person deposits the sum of money required, the Council must return the surplus to that person within a reasonable time if—

(a) no charge was incurred;

(b) the deposited sum exceeds the actual charge incurred.

Liens for charges

37.—(1) A person who, by agreement with the Council, collects charges on their behalf and who pays or gives security for the payment of charges on goods in that person's possession has a lien on those goods for the amount paid or security given on those goods.

(2) A wharfinger or carrier who is not personally liable for the payment of charges may pay or by agreement with the Council give security for charges on goods in that person's custody, and in that event that person has a like lien on the goods for the amount of those charges as that person would have in respect of the charges for safe custody or carriage of the goods.

Refusal to pay charges for landing places etc.

38. The harbour master may prevent a vessel from entering the port or using a landing place, mooring or other facility provided by the Council, if the master of the vessel refuses to pay the charges for such use.

Exemptions from ship, passenger and goods dues

39. Except as may be agreed between the Council and the government department or person concerned, the Council is not entitled to demand ship, passenger and goods dues from, or in respect of—

(a) a vessel—

(i) in the service of HM Revenue and Customs or the Secretary of State for Defence in the execution of their core duties and not carrying persons or goods for reward,

(ii) belonging to or used by a lifeboat service whilst employed in or in connection with the core functions of that service,

(iii) in the service of a police force or other emergency service in the execution of their core duties and not carrying persons or goods for reward;

(b) HM Revenue and Customs or any officer or other person employed in its service in execution of their core duties in respect of a vessel or goods under customs seizure, or in respect of goods or other articles belonging to, or in the care or service of, HM Revenue and Customs;

(c) an officer of HM Revenue and Customs or any other person employed in its service while in the execution of their core duties;

(d) a person employed by the Secretary of State for Defence while in the execution of their core duties;

(e) Officers of the Department for Transport in the execution of their core duties.

Recovery of charges

40.—(1) In addition to any other remedy given by this Order and by the 1847 Act as incorporated with this Order, the Council may recover any charges payable to it as a debt.

(2) Where the master of a vessel in respect of which a charge is payable to the Council refuses or neglects to pay the same or any part of it, paragraph (1) applies whether or not the Council's collector, in circumstances where the powers under section 44 of the 1847 Act (recovery of tonnage rates by distraint of ship and tackle) are exercisable, has gone on board the vessel and demanded payment of the charge under those powers.

Harbour master may prevent sailing of vessels

41. The harbour master may prevent the removal or sailing from the port of any vessel until evidence has been produced to the harbour master of the payment of any charges payable in respect of—

(a) the vessel;

(b) passengers of the vessel;

(c) goods loaded onto, unloaded from or on the vessel.

PART 6

MISCELLANEOUS AND GENERAL

Power to dredge

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

(2) The Council may, with the consent of the King's Harbour Master, enter and dredge, scour, deepen and improve the bed, shores and channels of the sea within the Dockyard Port for the purpose of affording uninterrupted means of access to, or the accommodation of vessels at, the port.

(3) Subject to paragraph (4), all materials dredged up or removed by the Council in exercise of the powers of this article are deemed to be the property of the Council and may be used, sold, deposited or otherwise disposed of as the Council may think fit.

(4) Materials dredged up or removed by the Council in exercise of the powers of this article must not be laid down or deposited in—

(a) contravention of the provisions of any enactment relating to the disposal of waste;

(b) any place below the level of high water within the Dockyard Port without the consent in writing of the King's Harbour Master.

Power to lay moorings

43.—(1) The Council may provide, place, lay down, maintain, retain, renew, use, have and remove moorings within the port as it considers necessary or desirable for the convenience of vessels—

(a) on land owned or leased by it; or

(b) with the consent in writing of the owner and any lessee, on any other land in the port.

(2) The Council may make reasonable charges in respect of any vessel using any moorings provided under this article.

(3) The Council may give notice in writing to a person having control of any mooring in the port requiring that person within 28 days to remove the mooring to enable the Council to provide moorings in accordance with paragraph (1).

(4) The Council must offer to make available to the person having the control of the mooring referred to in paragraph (3) a mooring provided by the Council under paragraph (1) as soon as such mooring has been laid down.

(5) If any person fails to comply with a notice under paragraph (3), the Council may at any time after the expiration of 28 days from the date of the giving of the notice remove the mooring referred to in that notice.

Power to licence moorings

44.—(1) The Council may grant to a person with or without conditions a licence to place, lay down, maintain, retain, renew and use moorings for vessels in the port.

(2) Nothing in any licence granted under paragraph (1) entitles a person to place, lay down, maintain, retain, renew or use and have any mooring on land not owned or leased by that person or by the Council or on which that person is not entitled to use for that purpose.

(3) A licence granted under paragraph (1) may be granted for such period as the Council thinks fit.

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

(5) In respect of moorings already lawfully laid down in the port at the date this Order comes into force ("an original mooring"), a moorings licence under paragraph (1) must be obtained by the owner or user of the mooring within 12 weeks of that date.

(6) In considering an application for a moorings licence under paragraph (1) made in respect of an original mooring, the Council must not refuse to grant a licence to retain the original mooring in the same location as situated at the date of this Order unless it is satisfied that the placing, laying down, maintenance, retention, renewal or use of the original mooring to which the application relates would constitute a danger to or interfere with the navigation of vessels in the port.

Offences as to moorings

45.—(1) A person commits an offence if they—

(a) intentionally obstruct any person acting under the authority of the Council in setting out moorings;

(b) intentionally and without lawful authority pull up or remove any mooring or any part of any mooring in the port;

(c) place, lay down, maintain, renew or have in the port any mooring not provided under article 43 (power to lay moorings) or licensed under article 44 (power to licence moorings); or

(d) without reasonable excuse cause or permit a vessel to be moored at a mooring, except a mooring provided under article 43 or licensed under article 44, which the person or vessel concerned is entitled to use.

(2) Any person who commits an offence under paragraph (1) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(3) If any person commits an offence under sub-paragraph (1)(c), the Council may remove the mooring in question and recover from that person the expenses incurred in doing so as a debt.

(4) Subject to paragraph (7), if any person commits an offence under sub-paragraph (1)(d), the Council may—

(a) remove the vessel, including any tackle with the vessel;

(b) sell or otherwise dispose of the vessel and tackle; and

(c) recover out of the proceeds of sale—

(i) any unpaid charge payable under article 43,

(ii) any unpaid licence fee payable under article 44, and

(iii) the expenses of removal and disposal under this paragraph.

(5) If the proceeds of sale under sub-paragraph (4)(b) are sufficient to allow the Council to recover all amounts permitted by sub-paragraph (4)(c), the Council must hold any surplus proceeds of sale on trust for the owner of the vessel.

(6) If the proceeds of sale under sub-paragraph (4)(b) are insufficient to allow the Council to recover all amounts permitted by sub-paragraph (4)(c), or there is no sale of the vessel, the Council may recover the amounts referred to in sub-paragraph (4)(c) net of any proceeds of sale from the owner of the vessel as a debt.

(7) The Council must not exercise its power to remove a vessel under paragraph (4) unless—

(a) it has given to the owner of the vessel seven clear days' notice in writing of its intention to do so; or

(b) it is an emergency.

(8) Where sub-paragraph (7)(b) applies, the Council must notify the owner of the vessel that it has removed the vessel as soon as reasonably practicable afterwards.

(9) In articles 43 to 45 "mooring" includes any buoy, pile, post, chain, pillar, pontoon or like apparatus or convenience used or capable of being used for the mooring of vessels.

Development of land etc.

46.—(1) The Council may, subject to holding the necessary rights in or over land and provided that it is conducive to the improvement, maintenance, operation or management of the port undertaking in an efficient and economical manner—

(a) use or develop for any purpose, and deal with, any land within or in the vicinity of the port;

(b) form, invest in and promote, or join with another person in forming, investing in and promoting, a company for using or developing for any purpose, and dealing with, any land within or in the vicinity of the port.

(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 Council would not itself have the power to do that thing.

Powers to grant tenancies and dispose of land

47.—(1) The Council may, for the purposes of or in connection with the carrying on of the port undertaking, lease or grant the use or occupation of, or any right or interest in or over, any lands, works, buildings, machinery, equipment or other property forming part of the port for such period, at such rents and other considerations and on such terms and conditions as it thinks fit.

(2) A lease or grant made or given under paragraph (1) may include provisions delegating to the lessee or grantee any of the port functions of the Council other than those specified in sub-

paragraphs (a) to (f) of paragraph 9B of Schedule 2 to the 1964 Act (functions which cannot be delegated under a power conferred by a harbour revision order).

(3) The Council may, for such consideration and on such terms and conditions as it thinks fit, dispose of, or grant the use or occupation for any purpose of, any lands, works, buildings, machinery, equipment or other property vested in it if it considers that—

(a) the property is surplus to that which is required for the purpose of the port undertaking; or

(b) it would be conducive to the improvement, maintenance, operation or management of the port undertaking in an efficient and economical manner for the property to be held by a person other than the Council.

Power to appropriate lands and works for particular uses, etc.

48.—(1) Notwithstanding any statutory provision of local application the Council may for the purposes of or in connection with the carrying on of the port undertaking set apart and appropriate any part of the port vested in, or occupied or administered by the Council as part of the port undertaking for the exclusive, partial or preferential use and accommodation of any particular trade, person, vessel or class of vessels, or goods, subject to the payment of such charges and subject to such terms, conditions and regulations as the Council may think fit.

(2) No person or vessel is permitted to make any use of any part of the port so set apart or appropriated without the consent of the harbour master or other duly authorised officer of the Council and—

(a) the harbour master or other duly authorised officer of the Council may order any person or vessel making use of the port without such consent to leave or be removed; and

(b) the provisions of section 58 of the 1847 Act (harbour master may remove vessels within docks, &c.) extend and apply with the necessary modifications to and in relation to such vessels.

Other commercial activities

49.—(1) The Council may, in addition to any other powers conferred on the Council and provided that it is conducive to the improvement, maintenance, operation or management of the port 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 carrying on any part of the port undertaking or 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 Council would not itself have the power to do that thing.

(3) The powers of the Council under this article are additional to the powers of the Council under section 37 of the Docks and Harbours Act 1966(**a**) (powers of harbour authorities to acquire a harbour business or shares in a harbour business).

Power to delegate functions

50. Subject to paragraph 9B of Schedule 2 to the 1964 Act (functions which cannot be delegated under a power conferred by a harbour revision order), the Council may delegate the performance of any of its port functions to be carried out by any such company as is referred to in article 49(1)(b).

(**a**) 1966 c. 28; section 37(3) was repealed by the Transport and Works Act 1992 (c. 42), Schedule 4 (Part II).

Bunkering

51.—(1) The Council may grant to a person with or without conditions a licence to carry out commercial refuelling activities related to vessels in the port.

(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 Council or in which that person has no interest.

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

(5) Any person who without reasonable excuse carries out or permits a commercial refuelling activity related to a vessel in the port, except in accordance with a licence issued by the Council under this article, is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Power with respect to disposal of wrecks

52.—(1) In its application to the Council, section 252 of the 1995 Act (powers of harbour and conservancy authorities in relation to wrecks) has effect in relation to the port and the approaches to the port in relation to a vessel sunk, stranded or abandoned before, on or after the coming into force of this Order.

(2) Subject to paragraph (3), and to any enactment in force limiting a person's liability, the Council may recover from the owner of any vessel sunk, stranded or abandoned before, on or after the coming into force of this Order in relation to which it has exercised its powers under section 252 of the 1995 Act any expenses reasonably incurred by it under that section in relation to that vessel which are not reimbursed out of any proceeds of sale within the meaning of that section.

(3) Except in a case which is in the opinion of the Council an emergency, paragraph (2) applies in relation to any vessel only if, before exercising the powers under section 252 of the 1995 Act in relation to that vessel, other than the power of lighting and buoying, the Council has given to the owner of the vessel not less than 48 hours' notice of its intention to do so.

(4) If, before the expiry of a notice served under paragraph (3), the Council receives a counter-notice in writing from the owner of the vessel stating they will dispose of the vessel themselves, the owner is at liberty to do so.

(5) If a counter-notice is received in accordance with paragraph (4), the Council must not exercise the powers in section 252 of the 1995 Act in relation to that vessel until the expiration of seven days from the receipt of the counter-notice, and of any further continuous period thereafter during which the owner of the vessel proceeds with the disposal with all reasonable diligence, and in compliance with any directions for the prevention of interference with navigation which may be given to the owner by the Council or the harbour master.

(6) A notice under paragraph (3) must be served by—

(a) delivering it to the owner;

(b) sending it to the owner by first class post at their registered office, last known place of business or home address in the United Kingdom; or

(c) displaying the notice at the port office and electronically on the port website for the period of its duration, if the owner or any such registered office, place of business or home address is not known to the Council, or is not in the United Kingdom.

(7) In this article, "owner", in relation to any vessel, means the person who was the owner of the vessel at the time of the sinking, stranding or abandonment.

(8) The powers conferred on the Council by this article are in addition to any other powers exercisable by it for or with respect to the removal of wrecks within the port and its approaches.

Power to deal with unserviceable vessels

53.—(1) In addition to the powers conferred on the harbour master by section 57 of the 1847 Act (unserviceable vessels to be altogether removed from harbour) and on the Council by section 252 of the 1995 Act (powers of harbour and conservancy authorities in relation to wrecks), the Council may sell, break up or otherwise dispose of any vessel which is unserviceable and has been laid by or neglected in the port or immediately adjoining the port.

(2) The Council may retain out of the proceeds of sale of such vessel any expenses incurred by it in respect of the vessel, or in marking, buoying, lighting or otherwise controlling the vessel, or warning other persons or vessels of its presence, and any reasonable expenses incurred by the harbour master under section 57 of the 1847 Act, and must pay any surplus to the person entitled to that surplus.

(3) If the proceeds of the sale are insufficient to reimburse the Council for the expenses listed in paragraph (2), or there is no sale, the Council may recover the deficiency, or where there is no sale, the whole of the expenses, from the owner as a debt.

(4) Except in the case of emergency, the Council must, before exercising its powers under this article, give 14 days' notice in writing of its intention to do so.

(5) A notice under paragraph (4) must be served in the same manner set out in paragraph (6) of article 52 (power with respect to disposal of wrecks).

Removal of obstructions other than vessels

54.—(1) The Council may remove anything, other than a vessel, causing or likely to become an obstruction to, or cause interference with, navigation in any part of the port or any approach to the port.

(2) The Council may take such steps as appear to it to be appropriate to prevent or minimise such obstruction or interference for the purposes of paragraph (1).

(3) If anything removed by the Council under paragraph (1) is marked as to be readily identifiable as the property of any person, the Council must, within 28 days of its coming into the Council's custody, give notice in writing to that person stating that possession may be retaken at a place stated in the notice within the period specified in the notice, being not less than 14 days after the notice is served, provided—

(a) proof of ownership is produced to the reasonable satisfaction of the Council; and

(b) payment has been made in respect of any reasonable expenses incurred by the Council under this article.

(4) Anything removed under paragraph (1) is deemed to vest in the Council if—

(a) possession of it is not retaken by the owner by the end of the period specified in the notice under paragraph (3); or

(b) paragraph (5) applies.

(5) Notwithstanding the provisions of paragraph (3), the Council may, at such time and in such manner as it thinks fit, dispose of anything removed under paragraph (1)—

(a) which is not marked as to be readily identifiable as the property of any person; or

(b) which is of a perishable nature or the custody of which involves unreasonable expense or inconvenience.

(6) If anything disposed of by the Council under this article is sold, the Council must place a notice at the port office and on the port website for a period of 28 days giving details of the property sold, and may retain out of the proceeds of sale any reasonable expenses incurred by it under this article (including in relation to storage), and any surplus from the proceeds—

(a) must be paid to any person who within 24 months from the time when the property came into the custody of the Council proves to the reasonable satisfaction of the Council that they were the owner at that time; or

(b) if no person proves their ownership in accordance with sub-paragraph (a), at the end of the 24 month period, is deemed to vest in the Council.

(7) If the proceeds of sale of anything removed under this article are insufficient to reimburse the Council for the expenses set out in paragraph (6), or there is no sale because the thing is unsaleable, the Council may recover, as a debt, from the person who was the owner at the time when the thing removed came into the custody of the Council, or who was the owner at the time of its abandonment or loss—

(a) the deficiency; or

(b) where there is no sale, the whole of the expenses.

Boarding of vessels or vehicles

55. A duly authorised officer of the Council may, on producing their authority if asked, enter and inspect a vessel or vehicle in the port for the purposes of any enactment relating to the port undertaking, including enforcement.

Tidal works

56.—(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 Council 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 port undertaking is deemed to be within the area of Portsmouth City Council to the extent that it is not already.

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

Power of the Council to prosecute or defend legal proceedings

57. Where the Council considers it conducive to the improvement, maintenance, operation, management or protection of the port undertaking, it 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 port undertaking at any public inquiry held under any enactment.

Notices

58.—(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.

(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 Council 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(**b**) (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**) Admiralty Way, Taunton, Somerset TA1 2DN.
(**b**) 1978 c. 30.

(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 port office and electronically on the port website for the period of its duration.

Saving for Trinity House

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

Saving for the King's Harbour Master

60. Nothing in this Order takes away, alters, prejudices or affects the jurisdiction or any rights, powers, authorities or privileges of the King's Harbour Master.

Crown Rights

61.—(1) Nothing in this Order—

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

(b) authorises the Council 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 any river, channel, creek, bay or estuary) belonging to—

(i) His Majesty in right of His Crown and under the management of the Crown Estate Commissioners, without the prior consent in writing of the Crown Estate Commissioners,

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

Amendment of the Portsmouth Camber Dock and Flathouse Wharf Order 1911

62.—(1) The Portsmouth Camber Dock and Flathouse Wharf Order 1911(**a**) is amended as follows.

(2) In article 1(3) in the definition of "The Corporation" for "the Mayor Alderman and Burgesses of the borough of Portsmouth acting by the council of that borough" substitute "Portsmouth City Council".

(3) Omit article 1(4).

Amendment of the 1959 Act

63.—(1) The 1959 Act is amended as follows.

(2) In section 3 (interpretation) in paragraph (2) for the definition of "vessel" substitute the definition of that word in article 2(1) of this Order.

Amendment of the Portsmouth (Pilotage) Harbour Revision Order 1988

64.—(1) The Portsmouth (Pilotage) Harbour Revision Order 1988(**b**) is amended as follows.

(2) In article 2 (interpretation) for the definition of "the existing area of jurisdiction" substitute—

> ""the existing area of jurisdiction" means the areas described in article 4(2)(a) and 4(3)(a) of the Portsmouth International Port and Camber Harbour Revision Order 2025; ".

Amendment of the Portsmouth (Pilotage) Harbour Revision Order 1992

65.—(1) The Portsmouth (Pilotage) Harbour Revision Order 1992(**c**) is amended as follows.

(2) In article 2 (interpretation) in the definition of "the existing area of jurisdiction" for "the area comprised in the limits of the Camber Dock, Flathouse Wharf and Mile End Quay undertakings of the Council as extended by" substitute "the areas described in article 4(2)(a) and 4(3)(a) of the Portsmouth International Port and Camber Harbour Revision Order 2025 and the additional areas described in article 3 of".

Interpretation of the Portsmouth (Camber Dock) Harbour Revision Order 1995

66.—(1) The Portsmouth (Camber Dock) Harbour Revision Order 1995(**d**) is to be construed as follows.

(2) References to "the Camber Dock undertaking" are to be construed as references to "the Camber Undertaking" as defined in article 2(1) of this Order.

Amendment of the 2000 (MWLS) Order

67.—(1) The 2000 (MWLS) Order is amended as follows.

(2) In article 2(1) for the definition of "vessel" substitute the definition of that word in article 2(1) of this Order.

Amendment of the 2000 (TSB) Order

68.—(1) The 2000 (TSB) Order is amended as follows.

(**a**) Confirmed by 1911 c. clviii (1 & 2 Geo 5).
(**b**) S.I. 1988/1627.
(**c**) S.I. 1992/1380.
(**d**) S.I. 1995/1063.

(2) In article 2(1) for the definition of "vessel" substitute the definition of that word in article 2(1) of this Order.

Revocation / Repeal

69. The enactments mentioned in the first and second columns of the Schedule 2 (revocation / repeal) 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

Michelle Willis
Acting Chief Executive Officer
20th November 2025 An authorised employee of the Marine Management Organisation

SCHEDULES

SCHEDULE 1

Article 21

PURPOSES FOR WHICH BYELAWS MAY BE MADE

1. Regulating the use of pontoons, stagings, quays, jetties, piers, walkways, bridges, approaches, slipways, landing places, berthing heads, boat lifts, mooring posts, buildings, parking places, and other works and facilities provided by the Council.

2. Regulating the shipping and unshipping, landing, warehousing, stowing, depositing and removal of goods within the port.

3. Preventing damage or injury to any vessel, goods, vehicle, plant, machinery, property, or persons within the port and to any aid to navigation used in connection with the port.

4. Regulating, preventing or licencing the conduct of all persons in vessels or otherwise in the port not being—

(a) members of a police force;

(b) officers or servants of the Crown;

(c) members of a fire service,

whilst in the exercise of their core duties as such.

5. Regulating the placing, laying down, maintenance, removal and use of moorings within the port.

6. Preventing or removing obstructions (including vessels and vehicles) or impediments within the port.

7. Regulating the launching of vessels.

8. Regulating or prohibiting the mooring, careening, beaching, anchoring or keeping of vessels in the port.

9. Regulating or preventing the use in the port, or onboard any vessel in the port, of fires, lights, or any other equipment, tools or appliances which the Council considers involves a risk of fire, explosion or chemical reaction and for the prevention of smoking.

10. Regulating the removal of rubbish (including ballast, earth or clay or other refuse) and sewerage for vessels in the port.

11. The prevention of the disposal of such rubbish and sewerage from vessels, in the port.

12. Prohibiting the use of or regulating the movement, speed, placing, loading, unloading, driving and parking of vehicles in the port and the removal of vehicles from the port (including by the Council).

13. Requiring the use of effectual silencers and the general control of noise on vessels in the port.

14. Regulating vessels in the port and their entry into and departures from the port and, without limitation to that scope, for prescribing rules for regulating the speed and manner of navigation or movement and the lights and signals exhibited or made by, or for the benefit of, vessels using, navigating or mooring within the port.

15. Regulating the embarkation of persons on to, or their disembarkation from, vessels within the port.

16. Regulating the holding of regattas and other public events in the port.

17. Prescribing the lights and signals to be exhibited or made—

(a) by vessels aground in the port;

(b) by vessels or other devices used for marking obstructions within the port.

18. Assisting the navigation of vessels within the port, at the entrance to any dock or at any wharf, pier or other work.

19. Preventing nuisances in the port.

20. Preventing or regulating the discharge by land or sea of any material or thing within the port or the approaches to it.

21. Regulating or preventing fishing for marine creatures of any type and by whatever means from any pier, jetty, wharf, or other installation or structure of any kind within the port, from any vessel within the port or from the foreshore where such fishing interferes with the operation of the port or the safety of navigation in the port.

22. Regulating or preventing aquaplaning, water skiing, diving or other similar activities in the port.

23. Regulating or preventing bathing, and for securing the protection of bathers, within the port.

24. Regulating or preventing the use of vehicles on the foreshore within the port.

25. Regulating the use of ferries within the port and the conduct of persons conducting activities in relation to them and others plying for hire in the port and of persons resorting to any works constructed or operated by the Council.

26. Regulating the exercise of powers vested in the harbour master.

27. Regulating vessels, vehicles and persons embarking or disembarking vessels, frequenting or employed in the port.

28. For the purposes specified in section 83 of the 1847 Act (byelaws may be made for all or any of the purposes herein named).

SCHEDULE 2

Article 69

REVOCATION / REPEAL

Table 1

Number	*Title or Short Title*	*Extent of Revocation/Repeal*
2 & 3 Vict. Cap. lxxii.	An Act for Enlarging the Town Quay of the Borough of Portsmouth, and for improving that Portion of the Harbour of Portsmouth called The Camber.	Whole Act.
22 & 23 Vict. Cap. lx.	Portsmouth Docks Act 1859.	Whole Act.
31 & 32 Vict c. cxxviii.	Portsmouth Camber Quays Act 1868.	Whole Act.
46 & 47 Vict. c. clxv.	Landport Wharf Act 1883.	Whole Act.
61 & 62 Vict. Ch. cci.	Pier and Harbour Orders	Whole of the Portsmouth

	Confirmation (No. 2) Act 1898.	Camber Quays Order 1898.
1 & 2 Geo. V. Ch. clviii.	Pier and Harbour Orders Confirmation (No. 2) Act 1911.	Whole of the Portsmouth Camber Dock and Flathouse Wharf Order 1911 apart from articles 1 and 3.
7 & 8 Eliz. 2. Ch. xlv.	Portsmouth Corporation Act 1959.	Sections 86 to 93 and 115 to 120.
S.I. 1966 No. 982.	Portsmouth Mile End Quay Revision Order 1966.	Whole Order.
S.I. 1973 No. 2135.	Portsmouth Mile End Quay Revision Order 1973.	Whole Order.
1978 c. vii.	Mile End Gardens (Portsmouth) Act 1978.	Whole Act.
S.I. 1981 No. 1632.	Portsmouth Mile End Quay Revision Order 1981.	Whole Order apart from articles 1(1), 2, 5, 6, 8 and 9.
S.I. 1988 No. 1519.	Portsmouth Mile End Quay Harbour Revision Order 1988.	Whole Order.
S.I. 1990 No. 1452.	Portsmouth (Camber Dock and Flathouse Wharf) Harbour Revision Order 1990.	Whole Order.
S.I. 1990 No. 1659.	Portsmouth Flathouse Quay Harbour Revision Order 1990.	Whole Order apart from articles 1, 2 and 4 to 7.
S.I. 1991 No. 993.	Portsmouth Mile End Quay Harbour Revision Order 1991.	Whole Order.
S.I. 1992 No. 1623.	Portsmouth Mile End (Albert Johnson Quay) Harbour Revision Order 1992.	Whole Order.
S.I. 1993 No. 2733.	Portsmouth Mile End Quay (Berth No. 2 Extension) Harbour Revision Order 1993.	Whole Order.
S.I. 1994 No. 2733.	Portsmouth Mile End Quay (Continental Ferry Port Phase 7) Harbour Revision Order 1994.	Whole Order.
S.I. 1995 No. 1063.	Portsmouth (Camber Dock) Harbour Revision Order 1995.	Whole Order apart from articles 1, 2 and 4 to 7.
S.I. 1999 No. 2513.	The Portsmouth Mile End Quay (Continental Ferry Port) Harbour Revision Order 1999.	Whole Order.

S.I. 2011 No. 3032.	The Portsmouth (Continental Ferry Port Berth 2 Extension) Harbour Revision Order 2011.	Whole Order apart from articles 1(1), 2 and 4 to 7.

SCHEDULE 3

Article 2

ACTS AND ORDERS

PART 1 – THE CAMBER UNDERTAKING

1. Portsmouth Camber Dock and Flathouse Wharf Order 1911 (articles 1 and 3 only).

2. Portsmouth Corporation Act 1959 (insofar as it relates to the Camber undertaking).

3. The Portsmouth (Camber Dock) Harbour Revision Order 1995 (articles 1, 2 and 4 to 7 only).

4. Portsmouth (Millennium Waterbus Landing Stages) Harbour Revision Order 2000 (insofar as it relates to the Camber undertaking).

5. Portsmouth (Tall Ships Berths) Harbour Revision Order 2000.

PART 2 – THE PORTSMOUTH INTERNATIONAL PORT UNDERTAKING

1. Portsmouth Camber Dock and Flathouse Wharf Order 1911 (articles 1 and 3 only).

2. Portsmouth Corporation Act 1959 (insofar as it relates to the Portsmouth International Port undertaking).

3. The Portsmouth Mile End Quay Revision Order 1981 (articles 1(1), 2, 5, 6, 8 and 9 only).

4. The Portsmouth Flathouse Quay Harbour Revision Order 1990 (articles 1, 2 and 4 to 7 only).

5. The Portsmouth (Continental Ferry Port Berth 2 Extension) Harbour Revision Order 2011 (articles 1(1), 2 and 4 to 7 only).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made on the application of Portsmouth City Council relates to the statutory undertakings which form part of Portsmouth International Port and the Camber which together form the port. It modernises and consolidates the statutory harbour powers which apply in relation to the port, so that in the future it will be governed under the Order, and the Acts and Orders listed in Schedule 3. The Order provides for—

(1) The jurisdiction (article 4) and general functions (article 5) of the Council as the statutory harbour authority for the port, including plans of the port (including the port premises) which can be inspected during working hours at the office of the Marine Management Organisation, Tyneside House, Skinnerburn Road, Newcastle Business Park, Newcastle upon Tyne NE4 7AR and office hours at the port office located at Portsmouth International Port Office, Northern Exit Building, Whale Island Way, Portsmouth PO2 8EB.

(2) The establishment of an advisory body or bodies consisting of port stakeholders with whom the Council is required to consult on material matters (article 6).

(3) Powers to vest in the Council relating to finances including application (article 7), establishment of a reserve fund (article 8), as well as borrowing powers (articles 9 and 10).

(4) Powers relating to aids to navigation (article 11), repair of landing places (article 12), works and dredging (article 13), control of certain operations and works of statutory undertakers (article 14), licensing (articles 15 and 16), appeals in respect of works or dredging licences (article 17), and penalties for obstruction of works (article 18).

(5) Modernised powers of management and control of the port to vest in the Council including provisions relating to parking places (article 19), removal of vehicles and vessels (article 20), and byelaws (articles 21, 22 and Schedule 1).

(6) Powers of general direction and special direction on the Council and the harbour master (defined in article 2) for the regulation and management of the port (articles 23 to 31) (a register of all in force general directions may be inspected during office hours at the port office (article 23)). This Order creates an offence of failing to comply with special directions or general directions, the penalty for which is a fine on summary conviction not exceeding level 4 on the standard scale (article 28). A defence of due diligence is available to a person charged under article 28 (article 28(2)).

(7) A modern suite of charging powers (articles 32 to 41) including exemptions from ship, passenger and goods dues (article 39) and prevention of sailing of vessels (article 41).

(8) Powers relating to dredging (article 42), moorings (articles 43 to 45), the development of land (article 46), power to grant tenancies and dispose of land (article 47), power to appropriate lands and works for particular uses, etc. (article 48), other commercial activities (article 49), and power to delegate functions (article 50).

(9) Powers relating to bunkering (article 51), disposal of wrecks (article 52), unserviceable vessels (article 53), removal of obstructions other than vessels (article 54) and boarding of vessels or vehicles (article 55).

(10) Provisions relating to tidal works (article 56), power of the Council to prosecute or defend legal proceedings (article 57) and notices (article 58).

(11) Saving for Trinity House (article 59), the King's Harbour Master (article 60) and Crown Rights (article 61).

(12) To facilitate the above, the Order repeals and revokes the Acts and Orders set out in Schedule 2 (article 69) and amends the Acts and Orders set out in articles 62 to 68.

(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 together with a copy of the port limits plans and the port premises plans is available alongside the instrument on the UK legislation website at www.legislation.gov.uk.

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