STATUTORY INSTRUMENTS

2022 No. 228

HARBOURS, DOCKS, PIERS AND FERRIES

The Saint Mawes Pier and Harbour Revision Order 2022

Made - - - -	*7th March 2022*
Laid before Parliament	*8th March 2022*
Coming into force - -	*29th March 2022*

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The Saint Mawes Pier and Harbour Company has applied for a harbour revision order in accordance with section 14(2)(a) of the Harbours Act 1964(**a**) ("the Act").

(**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).

The Secretary of State, as the appropriate Minister for the purposes of that section, has by an Order(**a**) made under section 42A of the Act(**b**) delegated the functions of the appropriate Minister under section 14(**c**) to the Marine Management Organisation(**d**).

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) of the Act, makes the following Order.

PART 1

PRELIMINARY

Citation, commencement and extent

1.—(1) This Order may be cited as the Saint Mawes Pier and Harbour Revision Order 2022 and shall come into force on 29th March 2022.

(2) The Saint Mawes Pier and Harbour Act 1854(**e**), the Saint Mawes Pier and Harbour Order 1934(**f**) and this Order may be cited together as the Saint Mawes Pier and Harbour Act and Orders 1854 to 2022.

(3) This Order extends to England and Wales.

Interpretation

2. In this Order—

"the Act of 1854" means the Saint Mawes Pier and Harbour Act 1854;

"the Company" means the Saint Mawes Pier and Harbour Company incorporated under section 3 of the Act of 1854;

"Trinity House" means the Corporation of Trinity House of Deptford Strond(**g**).

PART 2

AMENDMENT OF THE ACT OF 1854

Amendments to the Act of 1854

3.—(1) The Act of 1854 is amended as follows.

(2) in section 8 (number of directors and their qualification)—

(a) on the second line after "directors) the" insert "total";

(b) on the third line after "and" insert ", subject to section 8A,";

(c) for "his" substitute "their";

(d) for "ten" substitute "five".

(3) After Section 8 (number of directors and their qualification) of the Act insert—

(**a**) S.I. 2010/674.

(**b**) 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).

(**c**) For the definition of "the Minister", see section 57(1) of the Harbours Act 1964 (c. 40).

(**d**) The Marine Management Organisation was established by section 1 of the Marine and Coastal Access Act 2009 (c. 23). The head office address of the Marine Management Organisation is located at Lancaster House, Hampshire Court, Newcastle upon Tyne, NE4 7YH.

(**e**) 1854 c. lvi. 17 & 18 Vict.

(**f**) 1934 c. lxxxvii. 24 & 25 Geo.5.

(**g**) The Corporation of Trinity House, Tower Hill, London, EC3N 4DH.

"**8A.** —For the purposes of section 8, the total number of directors must not exceed ten, but may include within the total number, the appointment, of up to two non-shareholding directors as appointed by the Company from time to time."

PART 3

SAVINGS

Saving for Trinity House

4. Nothing in this Order shall prejudice or derogate from any of the rights, duties or privileges of Trinity House.

Crown Rights

5.—(1) Nothing in this Order shall—

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

(b) authorise the Company or any licensee to take, use, enter upon or in any manner interfere with any land or interests in land or any rights of whatsoever description (including any part of the shore or bed of the sea or of any river, channel, creek, bay or estuary) belonging to—

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

(ii) a government department or held in trust for Her Majesty for the purposes of a government department, without the consent in writing of that government department.

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

Signed by authority of the Marine Management Organisation

Tom McCormack
Chief Executive Officer
7th March 2022 An authorised employee of the Marine Management Organisation

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made on the application of the Saint Mawes Pier and Harbour Company modernises the statutory harbour powers applying in relation to Saint Mawes Pier and Harbour.

Article 3 makes amendments to section 8 of the Saint Mawes Pier and Harbour Act 1854 to reduce the number of shares a director of the Company must hold from ten shares to five shares and section 8A permits the appointment of up to two non-shareholding directors to be included in the total number of directors.

An impact assessment has not been prepared for this instrument as there is no, or no significant, impact predicted on businesses, charities, voluntary bodies or the public sector.

An Explanatory Memorandum is available alongside the instrument on the UK legislation website at www.legislation.gov.uk.

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