STATUTORY INSTRUMENTS

1975 No. 1252

HARBOURS, DOCKS, PIERS AND FERRIES

The South Pembrokeshire District Council (Tenby) Harbour Revision Order 1975

Made - - - -	19*th May* 1975
Coming into Operation	29*th July* 1975

The Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales acting jointly, no objection having been received to a draft order submitted to them by the South Pembrokeshire District Council and published in accordance with Schedule 3 to the Harbours Act 1964(a) and being satisfied that the making of the order is desirable in the interests of securing the maintenance and management of Tenby Harbour in an efficient and economical manner, in exercise of the powers conferred upon them by section 14 of the said Act and by article 3 of, and paragraph 5 of Schedule 2 to, the Transfer of Functions (Wales) Order 1969(b) and of all other powers enabling them in that behalf, and on the application of the South Pembrokeshire District Council hereby make the following Order:—

PART I—INTRODUCTORY

Citation and commencement

1. This Order may be cited as the South Pembrokeshire District Council (Tenby) Harbour Revision Order 1975 and shall come into operation on the day fixed in accordance with the provisions of the Statutory Orders (Special Procedure) Acts 1945 and 1965(c).

Interpretation

2.—(1) In this Order, except where the context otherwise requires—

"the authorised work" means the work authorised by article 34 (Power to construct work) of this Order;

"the Council" means the South Pembrokeshire District Council;

"dangerous goods" means dangerous goods as defined in section 446 of the Merchant Shipping Act 1894 and any goods classified under Rule 2(2) of the Merchant Shipping (Dangerous Goods) Rules 1965(d) as amended(e).

"the deposited plan" and "the deposited section" means respectively the plan and section prepared in quadruplicate, sealed with the official seal of the

(a) 1964 c. 40.
(b) S.I. 1969/388 (1969 I, p. 1070).
(c) 9 & 10 Geo. 6. c. 18; 1965 c. 43.
(d) S.I. 1965/1067 (1965 II, p. 2681).
(e) The relevant amending instrument is S.I. 1968/332 (1968 I, p. 969).

Minister of Agriculture, Fisheries and Food and signed by the Secretary of State for Wales, and marked "Plan and Section referred to in the South Pembrokeshire District Council Revision Order 1975", one copy of which has been deposited and is available for inspection at the offices of the Council and one each at the offices of the aforesaid Ministers, and of the Secretary of State for Trade;

"enactment" means any Act, any order (including this Order), scheme, byelaw or other instrument made thereunder, and any provision in an Act or in such order, scheme, byelaw or instrument;

"general direction" means a direction authorised by article 16 (General directions to vessels) of this Order;

"the harbour" means

(*a*) the area the limits of which are referred to in article 4 (Harbour limits) of this Order and

(*b*) the harbour estate;

"the harbour estate" means the docks, piers, wharves, quays, berths, roads, railways, bridges, sheds and other works and conveniences, and the lands, buildings and property of every description and of whatever nature, which are for the time being vested in, occupied or administered by the Council for the purposes of the harbour and includes the peninsula known as Castle Hill;

"the harbourmaster" means the harbourmaster appointed by the Council, and includes his authorised deputies and assistants and any person authorised by the Council, to act in that capacity;

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

"houseboat" means any vessel or structure lying in the water or on the foreshore of or the banks abutting on the harbour all or part of which is used or capable of being used as a place of habitation (whether temporarily, intermittently or permanently), as a store or as a place for accommodating or receiving persons for the purposes of shelter, recreation, entertainment or refreshment, as club premises or as offices and includes the remains or wreckage of a vessel or structure formerly so used or capable of being so used, but does not include any ship registered under the Merchant Shipping Act 1894(b) or any vessel bona fide used for navigation;

"hovercraft" has the same meaning as in the Hovercraft Act 1968(c);

"hydrofoil vessel" means a vessel, however propelled, designed to be supported on foils;

"the level of high water" means the level of mean high-water springs;

"the Ministers" means the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales;

"port facilities" means services and facilities for or in connection with the berthing, moving or dry-docking of vessels, the loading or unloading of goods or the embarking or disembarking of passengers in or from vessels, the lighterage, sorting, weighing, ware-housing or handling of goods, and the movement of goods and passengers;

"special directions" means a direction authorised by article 17 (Special directions to vessels) of this Order;

(a) 1847 c. 27.
(b) 1894 c. 60.
(c) 1968 c. 59.

"tidal work" means so much of any work authorised by this Order as is on, under or over tidal waters or tidal lands below the level of high water;

"the Trinity House" means the Corporation of Trinity House of Deptford Strond;

"vessel" means every description of vessel, however propelled or moved, and includes anything constructed or used to carry persons or goods by water; and

(*a*) without prejudice to the generality of the foregoing includes a hovercraft or hydrofoil vessel on, in or over the water; and

(*b*) includes a seaplane whether on or in the water;

"works" means the works authorised by this Order and includes any part of such work.

(2) The Interpretation Act 1889(**a**) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(3) This Order is to be read as if the words "or thereabouts" were inserted after each distance mentioned in article 34 (Power to construct work) of this Order.

(4) Any reference in this Order to an enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by, or by virtue of, any subsequent enactment including this Order.

Incorporation of enactments

3. The Harbours Clauses Act (except sections 6 to 13, 16 to 22, 24 to 27, 30 to 32, 42, 43, 48, 50, 83 to 90, 95, 97, 98 and 101), so far as applicable to the purposes and not inconsistent with the provisions of this Order, is hereby incorporated with this Order: Provided that in construing the said Act as so incorporated—

(i) the expression "the harbour, dock or pier" shall mean the harbour, the expression "the special Act" shall mean this Order, and the expression "the undertakers" shall mean the Council;

(ii) sections 15 and 69 shall be read and have effect in each case as if the words "shall forfeit" to the end of the section were deleted and there were substituted therefor the words "shall be liable on summary conviction to a fine not exceeding £100";

(iii) section 63 shall be read and have effect as if for the words "five pounds, and a further sum of twenty shillings for every hour that such vessel shall remain within the limits aforesaid, after a reasonable time for removing the same has expired after such requisition" there were substituted the expression "£50".

PART II—HARBOUR MANAGEMENT

Harbour limits

4. The limits within which the Council shall have and may exercise the powers of a harbour authority, and within which the powers of the harbourmaster may be exercised, shall comprise the area the boundaries of which are set out in Schedule 1 to this Order, and shall include the harbour estate.

(**a**) 1889 c. 63.

General powers of Council in respect of harbour

5.—(1) The Council may, subject to the provisions of this Order take such steps, from time to time as they may consider necessary for the improvement, maintenance and management of the harbour and the facilities afforded therein or in connection therewith.

(2) For those purposes, and without prejudice to the generality of the foregoing, the Council may—

(*a*) improve, maintain, regulate, manage, mark and light the harbour and, subject to the provisions of this Order, provide port facilities therein;

(*b*) alter, demolish and reconstruct structures and works in the harbour; and

(*c*) do all other things which in their opinion are expedient to facilitate the proper carrying on or development of the harbour.

Power to dredge

6. Subject to the provisions of this Order the Council may from time to time deepen, dredge, scour, cleanse, alter and improve the bed and foreshore of the harbour, provided that no materials taken up or collected in the exercise of the powers of this article shall be deposited below the level of high water except in such position as the Secretary of State may approve and subject to such conditions or restrictions as he may impose.

Council may provide dredgers, tugs, etc.

7.—(1) The Council may from time to time purchase, contract for or hire and may maintain and use dredgers, tugs, hoppers, barges or other powered craft—

(*a*) as may be necessary or expedient for or in relation to any of the purposes mentioned in article 6 (Power to dredge) of this Order; and

(*b*) for the use and accommodation of vessels within the harbour, and for this purpose they may let such craft.

(2) In addition to the said purposes the Council may purchase, hire, provide and may maintain and use all such dredging and other machines, engines, craft, machinery and appliances as may be necessary or expedient.

Power to provide boating facilities

8. Subject to the provisions of this Order the Council may construct, lay down, maintain and operate in the harbour such works for the provision of boating or marina facilities as they may consider requisite.

Powers as to moorings etc.

9.—(1) The Council may provide, place, lay down, maintain, use and have moorings, buoys and like apparatus and conveniences for vessels and houseboats on land owned or leased by the Council and on any other land with the consent in writing of the owner and lessee thereof in the harbour or on banks belonging to the Council adjoining the harbour.

(2)(*a*) The Council may from time to time grant licences to any person to place, lay down, maintain, use and have existing and future moorings, buoys and like apparatus and conveniences for vessels and houseboats in the harbour:

Provided that:—

(i) the Council shall not grant a licence to any person to place, lay down, maintain, use and have moorings, buoys and like apparatus and conveniences on land not owned or leased by the Council without the consent in writing of the owner and lessee thereof;

(ii) the Council shall not unreasonably refuse to grant a licence to an owner or lessee of any land not leased by the Council to place, lay down, maintain, use and have existing and future moorings, buoys and like apparatus and conveniences on that land and any question whether the grant of a licence has or has not been unreasonably refused shall be determined by the Ministers;

(iii) the Council shall not refuse to grant a licence unless they are satisfied that the placing, laying down, maintenance or use of the moorings, buoys or like apparatus or conveniences to which the application relates would constitute a danger to or interfere with the navigation of vessels in the harbour.

(*b*) Any licence granted under sub-paragraph (*a*) of this paragraph shall be valid only for a period of one year commencing with its date.

(*c*) The Council may charge a reasonable fee for granting a licence under sub-paragraph (*a*) of this paragraph.

(3) For the purpose of section 7 of the Telegraph Act 1878(a) any work proposed to be carried out under a licence granted in accordance with paragraph (2) of this article shall be deemed to be a work proposed to be done in the execution of an undertaking authorised by an Act of Parliament.

Power to remove goods

10. If any goods are left on or in any part of the harbour the Council may require the owner of the goods to remove them, and if the goods are not so removed within six hours after such requirement the Council may cause them to be removed to their own or any other public warehouse or store, and such removal shall be carried out at the expense and risk of the owner:

Provided that—

(i) notwithstanding such removal on behalf of the Council, the goods shall be liable to a general lien for the cost of removal, and for any charges payable to the Council by the owner; and

(ii) the power of the Council for preventing the removal of the goods until the cost of removal and the charges have been paid shall extend and apply to any goods removed or placed in store under the powers of this article.

Power to give directions as to loading or unloading of certain goods

11.—(1) The Council, may by resolution, designate any dock, wharf or other works, or any portion thereof, for the loading and unloading of any goods to which this article applies.

(a) 1878 c. 76.

(2) Where pursuant to paragraph (1) of this article the Council have designated a place for the loading or unloading of goods of any description the harbourmaster may direct that goods of that description, intended to be loaded onboard or unloaded from a vessel, shall not be deposited or received elsewhere than at the place so designated, and in the event of any person disobeying any such direction the Council may remove the goods to the place so designated, and any expense incurred by them in so doing may be recovered by them from that person as a simple contract debt in any court of competent jurisdiction.

(3) The goods to which this article applies are goods in bulk and goods the nature or character of which is such as, in the opinion of the Council, to give rise to special risk of contamination, taint, stain, injury or danger to other goods or to persons, or to necessitate the provision of special facilities for the handling thereof or for the safety, protection, welfare or accommodation of persons employed in, or in connection with, such handling.

Liability for safety of goods

12. The Council shall not be responsible for the safety of any goods deposited in any part of the undertaking not specifically set apart by them for the purpose of warehousing.

Notice before entry of dangerous goods

13.—(1) Except in case of emergency, the owner or master of a vessel carrying any dangerous goods shall before the vessel enters the harbour, give notice to the harbourmaster of the nature and quantity of such goods, and if such notice is not given the owner or master shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100.

(2) Where the owner or master of a vessel is charged with an offence under paragraph (1) of this article it shall be a defence that he did not know and could not with reasonable diligence have ascertained the nature of the goods in respect of which the proceedings are taken.

Parking places

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

Removal of vehicles, etc

15.—(1) If a vehicle, boat or caravan is left without the permission of the Council—

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

(*b*) in any part of the harbour where the parking of vehicles, boats or caravans is prohibited by notice erected by the Council;

the Council may remove the vehicle, boat or caravan, or cause it to be removed.

(2) Any notice erected under sub-paragraph (*b*) of the foregoing paragraph shall 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 remove a vehicle, boat or caravan or cause it to be removed, the expense of and incidental to the removal shall be recoverable by the Council from any person responsible as a debt in any court of competent jurisdiction.

(4) For the purposes of paragraph (3) of this article "person responsible" shall have the same meaning as in section 52(3) of the Road Traffic Regulation Act 1967(**a**).

(5) If the Council in exercise of the powers of this article remove a vehicle to a place not readily visible from the place whence it is so removed they shall, if and as soon as it is reasonably practicable to do so, send to the person for the time being registered as the owner of the vehicle for the purposes of the Road Vehicles (Registration and Licensing) Regulations 1971(**b**) or any other regulations having the like effect for the time being in force, at his last known address, his registered address or the address where the vehicle is ordinarily kept, notice that they have exercised the powers of this article and of the place to which the vehicle has been removed.

(6) A notice stating the general effect of paragraph (1) of this article shall be displayed in a prominent position at each place where a road accessible to vehicles enters any part of the harbour.

General directions to vessels

16.—(1) The Council may, after consultation with the General Council of British Shipping and the Pilotage Authority, give directions for the purpose of promoting or securing conditions conducive to the ease, convenience or safety of navigation and the safety of persons and property in the harbour and, without prejudice to the generality of the foregoing, for any of the following purposes—

(*a*) for designating areas, routes or channels in the harbour which vessels are to use or refrain from using for movement or mooring;

(*b*) for securing that vessels move only at certain times or during certain periods;

(*c*) requiring the master of a vessel to give to the harbourmaster information relating to the vessel reasonably required by the harbourmaster for effecting any of the purposes of this paragraph.

(2) A general direction may apply—

(*a*) to all vessels or to a class of vessels designated in the direction; and

(*b*) to the whole of the harbour or to a part designated in the direction; and

(*c*) at all times or at times designated in the direction;

and every general direction shall specify the extent of its application in relation to the matters referred to in sub-paragraphs (*a*), (*b*) and (*c*) of this paragraph.

(3) The Council may, after such consultation as aforesaid, revoke or amend any general direction.

(**a**) 1967 c. 76.

(**b**) S.I. 1971/450 (1971 I, p. 1305).

Special directions to vessels

17. A direction under this article may be given by the harbourmaster to a vessel anywhere in the harbour, requiring it to comply with a requirement made in or under a general direction, and may be given in any manner considered by the harbourmaster to be appropriate.

Publication of general directions

18.—(1) Notice of the giving of a general direction and of any amendment or revocation of a general direction shall, except in an emergency, be published by the Council as soon as practicable once in Lloyd's List or some other newspaper specialising in shipping news and, if the notice relates to the giving or amendment of a direction shall state a place at which copies thereof may be inspected and bought, and the price thereof.

(2) In an emergency notice of the giving of a general direction or of the amendment or revocation of a general direction may be given in any manner considered by the harbourmaster to be appropriate.

Failure to comply with directions

19.—(1) The master of a vessel who fails to comply with a general direction or a special direction shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100.

(2) It shall be a defence to the master of a vessel charged with an offence under paragraph (1) of this article that he had reasonable ground for believing that compliance with the direction in question would be likely to imperil his vessel or its cargo or any person for whom he is responsible, or that in the circumstances compliance was impracticable.

Enforcement of directions

20.—(1) Without prejudice to any other remedy available to the Council, if a special direction is not complied with within a reasonable time, the harbourmaster may put persons on board the vessel to carry out the direction or may otherwise cause the vessel to be handled in accordance with the direction.

(2) If there is no one on board a vessel to comply with a special direction the harbourmaster may proceed as if the direction had been given and not complied with:

Provided that the powers of this paragraph shall not be exercised—

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

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

(3) Expenses incurred by the Council in the exercise of the powers conferred by this article shall be recoverable by them as if they were a charge of the Council in respect of the vessel.

Master's responsibility in relation to direction

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

Byelaws as to harbour

22.—(1) Subject to the provisions of this Order the Council may make in relation to the harbour byelaws for all or any of the following purposes—

(*a*) for regulating the exercise of the powers vested in the harbourmaster;

(*b*) for preventing damage or injury to any vessel, goods, vehicle, plant, machinery, property or persons within the harbour;

(*c*) for regulating the conduct of all persons in the harbour, not being members of a police force or officers or servants of the Crown whilst in the exercise of their duties;

(*d*) for regulating the placing and maintenance of moorings;

(*e*) for preventing and removing obstructions or impediments within the harbour;

(*f*) for regulating the use of ferries within the harbour;

(*g*) for regulating the launching of vessels within the harbour;

(*h*) for regulating or preventing the use in the harbour or on board any vessel therein of fires, lights or any other equipment, tools or appliances which the Council considers involves a risk of fire;

(*i*) for regulating traffic on railways within the harbour estate and the use of locomotives thereon;

(*j*) for prohibiting the use of or regulating the movement, speed and parking of vehicles within the harbour;

(*k*) for requiring the use of effectual silencers on vessels in the harbour;

(*l*) for regulating vessels in the harbour and their entry into and departure from the harbour and, without prejudice to the generality of the foregoing, to prescribe rules for regulating the speed and manner of navigation and the lights and signals to be exhibited or made by, or for the benefit of, vessels using, navigating or mooring within the harbour;

(*m*) for prescribing the lights and signals to be exhibited or made—

(i) by vessels aground within the harbour;

(ii) by wreck-marking vessels or by other devices used for marking obstructions within the harbour;

(iii) at the entrance to any dock or at any wharf, pier or other work for assisting the navigation of vessels within the harbour;

(*n*) for regulating—

(i) access to and use and enjoyment, and the siting, limits and protection from injury or contamination, of any mussel-beds within the harbour;

(ii) 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 harbour;

(iii) or preventing bathing, and for securing the protection of bathers, within the harbour;

(iv) or preventing the use by vehicles of the foreshore:

Provided that before making byelaws for any of the purposes specified in this paragraph the Council shall consult with the Welsh National Water Development Authority or Local Fisheries Committee for a sea fisheries district.

(2) In this article "signals" include sound signals, and different byelaws may be made under this article in relation to different classes of vessels.

(3) Except where otherwise provided by this Order or by the enactment authorising the making of the byelaws concerned, a person offending against any byelaws in relation to the harbour made by the Council shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

Byelaws relating to certain dangerous goods

23.—(1) The Council may make byelaws as to the loading and discharging by vessels within the harbour of dangerous goods (which expression in this article does not include dangerous goods to which byelaws made by the Council under the Explosives Act 1875(**a**) or the Petroleum (Consolidation) Act 1928(**b**) for the time being apply), and as to the bringing, handling, transport or storage of such goods within the harbour and generally as to the precautions to be observed with respect to such goods while within the harbour, and such byelaws may in particular provide—

(*a*) for regulating the places at which vessels are to load or discharge dangerous goods and the time and mode of, and the precautions to be taken on, such loading and discharging; and

(*b*) for regulating the places at which vessels carrying dangerous goods are to be moored.

(2) Where a person is charged with an offence against a byelaw in force under this article it shall be a defence that the offence was not caused or facilitated by any act or neglect on his part, or on the part of any person engaged or employed by him, and, if that person is charged as the owner or master of a vessel, that in addition all reasonable means were taken by the master to prevent the commission of the offence.

(3) Byelaws made under paragraph (1) of this article may contain provisions for imposing on persons offending against any of the byelaws penalties not exceeding, on summary conviction, a fine of £100, and, on conviction on indictment, a fine.

Offenders to make good damage

24.—(1) Any person offending against or committing any breach or contravention of any of the provisions of this Order or of any byelaw made by the Council under this Order shall on summary conviction in addition to any fine thereby incurred, be liable to pay to the Council the cost of repairing or making good any damage directly or indirectly occasioned thereby to the property of the Council.

(**a**) 1875 c. 17. (**b**) 1928 c. 32.

(2) The Council may recover as a simple contract debt from any such person the cost of repairing or making good any such damage and may detain any vessel or other property belonging to or in charge of such person or belonging to the employers of such person until the said cost has been paid or until security therefor has been given to the satisfaction of the Council.

PART III—FINANCIAL

Borrowing powers

25.—(1) The Council may for the purposes of their undertaking at the harbour from time to time borrow and raise, on the security of the assets for the time being and of the revenues of the Council, by any method or methods they see fit—

(*a*) such sums of money as they think necessary not exceeding in the aggregate one hundred thousand pounds; and

(*b*) with the consent of the Secretary of State such further sums of money as they may require:

Provided that in calculating for the purpose of sub-paragraph (*a*) of this paragraph the aggregate sums of money borrowed by the Council there shall be excluded any sums borrowed for use within twelve months of the date of borrowing for repayment of any sum for the time being outstanding by way of principal on any amount previously borrowed.

(2) Moneys borrowed by the Council under this article shall be applied only to purposes to which capital money is properly applicable.

(3) For the purposes of the last foregoing paragraph, but without prejudice to the generality thereof, purposes to which capital money is properly applicable shall be deemed to include—

(*a*) the payment of any interest falling due within the five years immediately following the date of the borrowing of any sum of money borrowed by the Council under this article; and

(*b*) the repayment within twelve months of the date of borrowing of any sum for the time being outstanding by way of principal on any amount previously borrowed.

Temporary borrowing

26. The Council may for the purposes of their undertaking at the harbour borrow temporarily, by way of overdraft or otherwise, such sums as the Council may require for meeting their obligations or discharging their functions under or in pursuance of any enactment:

Provided that the total amount outstanding at any one time of money so borrowed shall not exceed fifteen thousand pounds.

Charges for services or facilities

27. The Council may demand, take and recover such reasonable charges for services and facilities provided by them at the harbour as they may from time to time determine.

Payment of charges

28.—(1) The several charges which the Council are for the time being authorised to demand, take and recover in respect of vessels and goods or otherwise under any enactment shall be payable before the removal from the harbour of any vessel or goods in respect of which they are payable, and may be demanded, taken and recovered by such persons, at such places, at such times and under such conditions as the Council may from time to time specify in their published list of charges.

(2) An officer, as defined in the Customs and Excise Act 1952(a), may refuse clearance of any vessel if he is satisfied that any charges payable to the Council in respect of that vessel or any goods therein have not been paid.

(3) Charges payable to the Council shall be payable by the owner of any vessel or goods in relation to which the charges are payable.

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

Penalty for evading payment of charges

29. If the owner of any vessel or goods or any other person at any time eludes or evades or attempts to elude or evade payment, of, or refuses to pay, any charges payable by him to the Council at any time when the charges become due and payable, he shall be liable on summary conviction to a fine not exceeding £100.

Payment of charges on warehoused goods

30. The owner or person having the charge of any goods warehoused, placed, stored or yarded in a warehouse, transit shed or area, store or yard of the Council shall, before the removal of those goods from the warehouse, transit shed or area, store or yard and at such date or dates as shall be fixed by the Council, pay such charges as shall be then due and payable on those goods.

Deposit for charges

31. The Council may, if they think fit, require any person liable, or to become liable, to pay charges to the Council to deposit with their collector, or to guarantee, such sum as in the opinion of the Council is reasonable having regard to the probable amount of the charges.

Recovery of charges

32. In addition to any other remedy given by this Order and by the Harbour Clauses Act as incorporated with this Order, and whether the demand required by section 44 of that Act has been made or not, the Council may recover any dues, rates, rents or other charges payable to them as a debt in any court of competent jurisdiction.

(a) 1952 c. 44.

Compounding etc of charges

33. Nothing in section 30 of the Harbours Act 1964 shall require the Council to include in the list of ship, passenger and goods dues kept at the harbour office, as required by subsection (1) of that section, charges subject to a compounding arrangement in respect of, or reduced by a rebate allowed on, a due included in the said list.

PART IV—WORKS

Power to construct work

34. Subject to the provisions of this Order the Council may, in the lines and situations shown on the deposited plan and on the levels shown on the deposited section, construct and maintain, renew, rebuild, alter and enlarge the following work, that is to say, a landing stage of open construction commencing 23 metres south of the extreme south-eastern corner of Castle Hill Museum, and extending in a generally east-south-easterly and easterly direction for a distance of 205 metres.

Power to deviate

35. In the construction of the authorised work the Council may deviate laterally to any extent not exceeding 10 metres and may deviate vertically from the levels of that work shown on the deposited section to any extent downwards, and to any extent not exceeding 3 metres upwards.

Subsidiary works

36. Subject to the provisions of this Order and within the limits of deviation specified in article 35 (Power to deviate) of this Order the Council may from time to time construct and maintain, renew, rebuild, alter and enlarge all such works and conveniences as they may from time to time deem necessary or convenient for the purposes of or in connection with the construction, maintenance and use of the authorised work.

Fine for obstructing works

37.—(1) Any person who wilfully obstructs any person acting under the authority of the Council in setting out the lines of the authorised work or who damages, moves or removes any pole, stake, station point or bench mark established for the purpose of such setting out shall be guilty of an offence and for every such offence be liable on summary conviction to a fine not exceeding £20.

(2) Proceedings for any offence under this article or for the recovery of any fine thereunder may be brought in any court or summary jurisdiction.

PART V—MISCELLANEOUS

Tidal works not to be executed without approval of Secretary of State for Trade

38.—(1) A tidal work shall not be constructed, renewed, rebuilt, altered, or enlarged except in accordance with plans and sections approved by the Secretary of State for Trade and subject to any conditions and restrictions imposed by him before the work is begun.

(2) If a tidal work is constructed, renewed, rebuilt, altered or enlarged in contravention of this article or of any condition or restriction imposed under this article—

(*a*) the Secretary of State for Trade may by notice in writing require the Council at their own expense to remove the tidal work or any part thereof and to restore the site thereof to its former condition; and if on the expiration of thirty days from the date when the notice is served upon the Council they have failed to comply with the requirements of the notice, the Secretary of State for Trade may execute the works specified in the notice; or

(*b*) if it appears to the Secretary of State for Trade urgently necessary so to do, he may himself remove the tidal work or part of it and restore the site to its former condition;

and any expenditure incurred by him in so doing shall be recoverable from the Council as a simple contract debt.

Provision against danger to navigation

39.—(1) In case of injury to or destruction or decay of a tidal work or any part thereof, the Council shall forthwith notify the Trinity House and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as the Trinity House shall from time to time direct.

(2) If the Council fail to notify the Trinity House as required by this article or to comply in any respect with a direction given under this article, they shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100 and on conviction on indictment to a fine.

Survey of tidal works

40. The Secretary of State for Trade may at any time, if he deems it expedient, order a survey and examination of a tidal work constructed by the Council or of the site upon which it is proposed to construct the work and any expenditure incurred by the Secretary of State in such survey and examination shall be recoverable from the Council as a simple contract debt.

Abatement of works abandoned or decayed

41.—(1) Where a tidal work is abandoned or suffered to fall into decay the Secretary of State for Trade may by notice in writing require the Council at their own expense either to repair and restore the work or any part thereof, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the Secretary of State for Trade thinks proper.

(2) Where a work authorised by this Order and consisting partly of a tidal work and partly of works on or over land above the level of high water is abandoned or suffered to fall into decay and that part of the work on or over land above the level of high water is in such condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore the Secretary of State for Trade may include that part of the work, or any portion thereof, in any notice under this article.

(3) If, on the expiration of thirty days from the date when a notice under this article is served upon the Council, they have failed to comply with the requirements of the notice, the Secretary of State for Trade may execute the works specified in the notice and any expenditure incurred by him in so doing shall be recoverable from the Council as a simple contract debt.

Lights on tidal works during construction

42.—(1) The Council shall at or near a tidal work during the whole time of the construction, maintenance, renewal, rebuilding, alteration or enlargement thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the Secretary of State for Trade shall from time to time direct.

(2) If the Council fail to comply in any respect with a direction given under this article they shall be liable on summary conviction to a fine not exceeding £100, and on conviction on indictment to a fine.

Permanent lights on tidal works

43.—(1) After the completion of a tidal work the Council shall at the outer extremity thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the Trinity House shall from time to time direct.

(2) If the Council fail to comply in any respect with a direction given under this article they shall be liable on summary conviction to a fine not exceeding £100, and on conviction on indictment to a fine.

Crown rights

44. Nothing in this Order shall affect prejudicially any estate, right, power, privilege or exemption of the Crown and, in particular, nothing herein contained shall authorise the Council to take, use or in any manner interfere with any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary or any land, hereditaments, subjects or rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of such Commissioners on behalf of Her Majesty first had and obtained for that purpose.

Saving for Dumping at Sea Act

45. Nothing in this order shall affect the operation of the Dumping at Sea Act 1974**(a)**.

Repeals

46. The sections of the Act 1 & 2 Vict. c. xiii specified in Schedule 2 to this Order are hereby repealed.

(a) 1974 c. 20.

Costs of order

47. The costs, charges and expenses of and incidental to the preparing, applying for and obtaining of this Order and otherwise in relation thereto shall be paid by the Council.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 13th May 1975.

(L.S.)

Frederick Peart,
Minister of Agriculture,
Fisheries and Food.

19th May 1975

John Morris,
Secretary of State for Wales.

Article 4

SCHEDULE 1

Limits of Harbour

Commencing at the easternmost extremity of Monkstone Point;

Thence in a straight line to a point 500 metres due east of the easternmost extremity of Sker Rock off St Catherine's Islands;

Thence in a continuation of that straight line for a distance of 100 metres;

Thence in a generally westerly direction in a straight line to a point on the South Beach where the line of the level of high water meets the steps known as Iron Bar Steps (National Grid Reference SN 1355800308, latitude 51° 40′ 12″ north—longitude 4° 41′ 48″ west);

Thence in a generally northerly and north easterly direction by the line of the level of high water to Castle Sands;

Thence from a point on the line of the level of high water along the pathway from Castle Sands to Castle Square thence along Crackwell Street retaining wall to Brother Thomas' Garden;

Thence to a point at the line of the level of high water 33 metres westerly of the Mayor's Slip;

Thence in a generally northerly and north easterly direction by the line of the level of high water to the point of commencement at Monkstone Point.

SCHEDULE 2

SECTIONS OF ACT 1 & 2 VICT. c. xiii REPEALED

SECTION	MARGINAL NOTE
XLVI	Council to appoint Harbour Master; Security to be taken
XLVIII	Harbour Masters to regulate Ships in the Harbour.
XLIX	Penalty for not obeying the Orders of the Harbour Master.
L	Pitch, &c. not to be heated or boiled on Board Vessels.
LI	For weighing and raising Vessels sunk.
LII	Penalty on Persons cutting Mooring Ropes or Buoys.
LIII	Penalty on throwing Rubbish, &c into Harbour.
LIV	Penalty on Persons casting Ballast without a Port-sail.
LV	Council may make Rules for Harbour.
LVI	Defining Limits of Powers of Regulation. No Toll except on Vessel coming into Harbour.
LVII	Power to take Tonnage Rates.
LVIII	Application of Tolls.
LIX	Limiting Salaries to Harbour Masters.
LX	Rates, &c collected not to exceed 500*l* per Annum. When Debt paid off not to exceed 350*l*.
LXI	Funds to be invested.
LXII	Account of Rates, Tolls and Duties to be kept and audited.
LXIII	Tolls may be reduced.
LXIV	Ships, &c. re-entering the Harbour with the same Cargo not be again liable to the Duties.
LXV	Ascertaining Tonnage of Vessels.
LXVI	For enforcing Payment of Rates and Duties.
LXVII	Duties may be varied.
LXVIII	Rates to be charged equally.
LXIX	List of Tolls to be fixed in conspicuous Places.
LXX	Owners of Vessels to be accountable for Damages done by their Seamen or Servants.
LXXI	Servants to repay their Masters for Damages.
LXXII	Duties not to extend to Vessels in Her Majesty's Service.
LXXIII	Power to raise Money by Mortgage of the Rates. Form of Mortgage. Form of Transfer of mortgage.
LXXV	Not to mortgage Lands without Consent of Lords of the Treasury.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order empowers the Council of the District of South Pembrokeshire—

(*a*) to improve, develop, maintain and manage the harbour at Tenby, the limits of which are defined in the Order, and to carry out works for the provision of boating facilities;

(*b*) to construct and maintain a landing stage at the harbour;

(*c*) to borrow moneys and to make certain charges; and

(*d*) to make byelaws;

and provides for the repeal of certain provisions of the Tenby Improvement Act 1838, and for matters connected with or consequential or incidental to the foregoing. The Order being subject to special parliamentary procedure, the provisions of the Statutory Orders (Special Procedure) Acts 1945 and 1965 determine the date upon which it comes into operation.

The applicants for the Order are South Pembrokeshire District Council.

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