



Marine
Management
Organisation

Statement in Support of Harbour Revision Order (HRO) Application

Table 1: Application details

1. Date application made to MMO	16 January 2024
2. Name of primary contact	Lara Moore
3. Contact details of primary contact	Lara Moore, Ashfords LLP l.moore@ashfords.co.uk
4. Address of primary contact	Ashfords LLP, Ashfords House, Grenadier Road, Exeter, EX1 3LH
5. Name of statutory harbour authority	Bristol City Council (‘the Council’)
6. Is this a Works Order?	No.
a. Brief description of proposed works	N/A
b. Date when notification of intention was submitted to MMO	N/A
c. Date when EIA screening opinion was issued by MMO	N/A

<p>d. If screened in, date when scoping opinion was issued by MMO</p>	<p>N/A</p>
<p>e. If screened in and if an optional ES review was undertaken, date when review was completed by MMO</p>	<p>N/A</p>
<p>7. Non-technical summary – please explain what you are seeking to achieve in this application in no more than 200 words.</p>	<p>This application is for a harbour revision order ('HRO') to be made under the powers conferred on the Secretary of State for Transport by section 14 of the Harbours Act 1964 ('the 1964 Act') which are delegated to the MMO by the Harbours Act 1964 (Delegation of Functions) Order 2010 (S.I. 2010/674).</p> <p>The HRO partially consolidates and modernises existing local statutory harbour legislation in respect of Bristol City Docks and Portishead Pier ('the Harbours') and confers further modernised powers on the Council considered conducive to the efficient and economical operation, maintenance, management and improvement of the Harbours. The HRO confers modern powers on the Council to give general directions to vessels, persons and vehicles using the Harbours together with powers exercisable by the harbour master to give special directions.</p> <p>In respect of special directions and general directions related to the area of jurisdiction below the level of mean high water spring tides, these powers are required to support the effective management of the undertaking as recommended by the Port Marine Safety Code ('PMSC'). In relation to vehicles and harbour operations ashore, they are consistent with the powers in section 14(3) relating to penal provisions and the environmental duties placed on harbour authorities by virtue of section 48A of the 1964 Act and paragraph 16A of Schedule 2 to that Act, which enables a harbour revision order to confer powers for environmental conservation within a harbour.</p>
<p>8. Location (coordinates must be provided in WGS84 format if this is a works order)</p>	<p>Bristol City Docks and Portishead Pier</p>
<p>9. State the title of all relevant</p>	<p>Bristol City Docks harbour limits plan</p>

charts/maps/plans included with application (if appropriate)	Bristol City Docks harbour premises plan Bristol City Docks banks limits plan Portishead Pier harbour limits plan
10. State the legislation relevant to the harbour authority and included with this application (if appropriate)	<ol style="list-style-type: none"> 1. Bristol Wharfage Act 1807 ('the 1807 Act') 2. Encroachment Act 1837 ('the 1837 Act') 3. Bristol Dock Act 1848 ('the 1848 Act') 4. Bristol Portishead Pier and Railway Act 1863 – ('the 1863 Act') 5. Bristol Port and Channel Dock Act 1864 – ('the 1864 Act') 6. Bristol Dock Act 1865 – ('the 1865 Act') 7. Bristol Harbour Railway Act 1866 – ('the 1866 Act') 8. Bristol and Portishead Pier and Railway Act 1866 – ('the 1866 Act') 9. Bristol Port and Channel Dock Act 1871 – ('the 1871 Act') 10. Portishead Docks Act 1871 – ('the 1871 Portishead Act') 11. Bristol Port and Channel Dock Act 1872 – ('the 1872 Act') 12. Bristol Harbour Railway Act 1873 – ('the 1873 Act') 13. Bristol Port and Channel Dock Act 1874 – ('the 1874 Act') 14. Bristol Port and Channel Dock Act 1875 – ('the 1875 Act') 15. Bristol Port and Channel Dock Act 1877 – ('the 1877 Act') 16. Bristol Port and Channel Dock Act 1878 – ('the 1878 Act') 17. Bristol Port and Channel Dock Act 1880 – ('the 1880 Act') 18. Bristol Dock Act 1881 – ('the 1881 Act') 19. Bristol Port and Channel Company (Extension of Time) Act 1882 – ('the 1882 Act') 20. Municipal Corporations Act 1882 – ('the MCA 1882') 21. Bristol Port and Channel Dock Act 1883 – ('the 1883 Act') 22. Bristol Dock Act 1884 – ('the 1884 Act') 23. Bristol Dock Act 1886 – ('the 1886 Act') 24. Bristol Dock Act 1893 – ('the 1893 Act') 25. Bristol Dock Act 1897 – ('the 1897 Act') 26. Dock and Railways Act 1901 – ('the 1901 Act') 27. Bristol Corporation Act 1903 – ('the 1903 Act') 28. Bristol Corporation Act 1905 – ('the 1905 Act') 29. Bristol Corporation Act 1906 – ('the 1906 Act') 30. Bristol Corporation Act 1911 – ('the 1911 Act') 31. Bristol Corporation (Various Powers) Act 1914 – ('the 1914 Act') 32. Bristol Corporation Act 1918 – ('the 1918 Act') 33. Bristol Corporation Act 1922 – ('the 1922 Act')

	<p>34. Bristol Corporation Act 1926 – ('the 1926 Act')</p> <p>35. Bristol Corporation (No. 2) Act 1930 – ('the 1930 Act')</p> <p>36. Bristol Corporation Act 1938 – ('the 1938 Act')</p> <p>37. Bristol Corporation Act 1951 – ('the 1951 Act')</p> <p>38. Bristol Corporation Act 1956 – ('the 1956 Act')</p> <p>39. Bristol Corporation Act 1960 – ('the 1960 Act')</p> <p>40. Bristol Corporation Act 1961 – ('the 1961 Act')</p> <p>41. Bristol Corporation (General Powers) Act 1971 ('the 1971 (General Powers) Act')</p> <p>42. Bristol Corporation (West Dock) Act 1971 – ('the 1971 (West Dock)' Act')</p> <p>43. Bristol Corporation Act 1971 – ('the 1971 Act')</p> <p>44. Bristol Port and Harbour Revision Order 1972 – ('the 1972 Order')</p> <p>45. Bristol Port and Harbour Revision Order 1986 – ('the 1986 Order')</p> <p>46. City of Bristol (Portishead Docks) Act 1992 – ('the 1992 Act')</p> <p>47. Bristol City Docks Harbour Revision Order 1995 – ('the 1995 Order')</p> <p>48. Bristol City Docks (No. 2) Harbour Revision Order 1995 – ('the 1995 (No. 2) Order')</p> <p>49. Bristol City Docks Harbour Revision Order 1998 – ('the 1998 Order')</p>
<p>11. If you have received any pre-application guidance from the MMO in relation to this application please briefly describe this here.</p>	<p>N/A</p>
<p>12. Have you included the required fee for your application?</p>	<p>£ 15,579 by BACS.</p>

Table 3: statutory harbour authority background

Bristol City Docks

Bristol City Docks is situated 6 miles inland in the heart of Bristol close to the city centre facilities. It can be accessed via sea at the western end or by the Kennet and Avon Canal at the eastern end. Bristol City Docks is the former natural tidal river Avon through the city, but was developed into its current form in 1809. A tidal bypass, “the Cut”, was dug out, forming the floating harbour whose lock gates ensure that water levels remain constant and not affected by the state of the tide.

The limits of Bristol City Docks under the HRO, which include the Bristol City Docks harbour premises, are set out in article 4 (harbour jurisdiction) and Part 1 of Schedule 1 (limits of harbours) to the HRO. This area is illustrated on the Bristol City Docks harbour limits plan, the Bristol City Docks harbour premises plan, and the Bristol City Docks banks limits plan, all of which are being deposited with the HRO. The plans between them show for illustrative purposes the entirety of the harbour limits for Bristol City Docks. The HRO does not alter the area of water within the jurisdiction of the Council.

Portishead Pier

Portishead Pier is situated 8 miles west of Bristol on the Severn Estuary. The pier was initially built in 1849 and extended under the Bristol and Portishead Pier and Railway Company Act of 1863. The pier now stretches 170 metres into the estuary. It first came into use in 1868 by steamers travelling to Cardiff, Newport, Ilfracombe and Ireland who had difficulty reaching Bristol harbour. Vessels embarked and disembarked passengers and imported and exported cargoes. Portishead Pier is currently not in use. However, it remains a statutory harbour undertaking of the Council and, as such, the provisions included in the HRO need to apply to Portishead Pier as well as to Bristol City Docks. This will assist the Council with compliance with its various duties and responsibilities as harbour authority as well as compliance with the PMSC.

The limits of Portishead Pier under the HRO, which include the Portishead Pier harbour premises, are set out in article 4 (harbour jurisdiction) and Part 2 of Schedule 1 (limits of harbours) of the HRO. This area is illustrated on the Portishead Pier harbour limits plan being deposited with the HRO which also depicts the extent of the Portishead Pier harbour premises. The plan shows for illustrative purposes the entirety of the harbour limits for Portishead Pier. The HRO does not alter the area of water within the jurisdiction of the Council.

STATUTORY HARBOUR AUTHORITY

The Harbours are classed by the Department for Transport (**‘DfT’**) as municipal ports. The Council is the SHA for both Bristol City Docks and Portishead Pier and is also the local lighthouse authority for the Harbours and surrounding areas.

At each of the Harbours, the Council is responsible for their administration, maintenance and improvement. In managing the Harbours, the Council strives to observe industry standards set out in Government guidelines. The Council is committed to complying with the principles of the various codes and reports applying to the ports and harbours industry, such as the Ports Good Governance Guidance, except where not relevant to the Council’s constitution, and the PMSC.

Each harbour is currently governed in accordance with its own local Acts and Orders. Although some of the provisions are similar and often overlap, the local Acts and Orders applying at each harbour are unique. This makes the overall management of the Harbours very complicated and less

efficient for the Council than if both Harbours were governed broadly by the same statutory provisions.

In accordance with article 5 of the HRO, the Council is preparing a Harbours Business Plan, which will set out the future viability of the Harbours and how they will meet the requirements of stakeholders, in line with section 4.24 of the Ports Good Governance Guidance.

Table 3a: Need and justification for order

Port Marine Safety Code:

As the harbour authority for the Harbours, the PMSC (November 2016) published by the Department for Transport applies to the Council as well as to all statutory harbour authorities and other marine facilities, berths and terminals in the UK. The Executive Summary to the PMSC explains that:

“The Code has been developed to improve safety in the port marine environment and to enable organisations to manage their marine operations to nationally agreed standards. It provides a measure by which organisations can be accountable for discharging their statutory powers and duties to run harbour or facilities safely and effectively. It also provides a standard against which the policies, procedures and performance of organisations can be measured. The Code describes the role of board members, officers and key personnel in relation to safety of navigation and summarises the main statutory duties and powers of harbour authorities. The Code is designed to reduce the risk of incidents occurring within the port marine environment and to clarify the responsibilities of organisations within its scope.”

The PMSC identifies a number of tasks which harbour authorities should undertake in order to comply with the PMSC including reviewing and being aware of existing powers based on local and national legislation and advises that harbour authorities should seek additional powers if the existing powers are insufficient to meet their obligations to provide safe navigation. In particular, paragraph 2.5 of the PMSC states “... *harbour authorities would be well advised to secure powers of general direction or harbour direction to support the effective management of vessels in their harbour waters if they do not have them already*”.

Because the Council does not currently have the power of General Direction nor Harbour Direction, the Council is seeking to obtain modern powers of General Direction to enable it to have a set of general directions covering the Harbours instead of having separate byelaws and directions. Designation with powers of General Direction is an important tool which will assist the Council with compliance with the PMSC.

Harbours Act 1964:

Section 14 of the 1964 Act confers powers which have been devolved to the MMO to make an order under that section (known as a harbour revision order) in relation to a harbour which is being improved, maintained or managed by a harbour authority in the exercise and performance of statutory powers and duties for achieving all or any of the objects specified in Schedule 2 of the 1964 Act.

Section 14(2)(a) of the 1964 Act requires that written application be made to the MMO by the authority engaged in improving, maintaining or managing the harbour in question and section 14(2)(b) provides that the MMO must be:

“satisfied that the making of the order is desirable in the interests of securing the improvement, maintenance or management of the harbour in an efficient and economical manner or facilitating the efficient and economic transport of goods or passengers by sea or in the interests of the recreational use of sea-going ships”.

The matters set out in Schedule 2 to the 1964 Act include, in particular, at paragraph 4:

“Imposing or conferring on the authority, for the purpose aforesaid, duties or powers (including powers to make byelaws), either in addition to, or in substitution for, duties or powers imposed or conferred as mentioned in paragraph 3 above”.

And, at paragraph 6:

“Settling (either for all purposes or limited purposes) the limits within which the authority are to have jurisdiction or altering (either for all purposes or for limited purposes) such limits as previously settled”.

Because this is not an application for a harbour revision order which, directly or indirectly, authorises a project (within the meaning of paragraph 1 of Schedule 3 to the 1964 Act), prior notification to the MMO under paragraph 3(a) of Schedule 3 to the 1964 Act is not required.

This application for the HRO under section 14 of the 1964 Act meets the conditions set out in that section. In particular, the application meets the requirements of:

- (A) Section 14(1) of the 1964 Act because it is made in relation to harbours which are being improved, maintained or managed by a harbour authority in the exercise and performance of its statutory powers and duties for the purpose of achieving objects falling within Schedule 2 to the Act.
- (B) Section 14(2) of the 1964 Act because:
 - (i) The application is made upon the written application of a harbour authority engaged in improving, maintaining or managing harbours; and
 - (ii) The making of the HRO is desirable in the interests of securing the improvement, maintenance or management of the Harbours in an efficient and economical manner.

General:

The HRO would partially consolidate, modernise and extend the powers of the Council considered conducive to the efficient and economical operation, improvement, maintenance or management of the Harbours. The definition of each “harbour premises” is flexible, meaning that if further harbour land within the definition of “harbour premises” under the HRO were purchased in the future (or sold if no longer required for harbour purposes) such land would automatically become part of (or cease to be part of) the harbour undertaking.

It is considered that it is desirable in the interests of securing the improvement, maintenance or management of the Harbours in an efficient and economical manner that the Council is provided with a set of modern flexible statutory powers contained within the HRO and that the majority of the current local statutory harbour legislation for the Harbours is repealed or ceases to have effect in relation to the Harbours.

The modernised and additional powers include powers reflective of those contained in modern HROs. Other HROs which contain some similar provisions include the Cornwall Harbours Harbour Revision Order 2023, the Weymouth Harbour Revision Order 2021, the Poole Harbour Revision Order 2012, the Cowes Harbour Revision Order 2012, and the Dover Harbour Revision Order 2014. They include standard statutory harbour powers, such as the power to borrow, reserve fund powers, powers to dispose of and develop land, powers associated with charges (including deposits and liens associated with charges) and miscellaneous powers including a power of general direction, a power to dredge, powers related to the removal of wrecks and other obstructions and various powers related to commercial activities.

An explanation of, and the need for, each substantive article in the HRO is set out below. Some examples of how the powers may be exercised are described below. These examples are not intended to be exhaustive of the ways in which the powers may lawfully be exercised.

Articles 1 is not dealt with below since it is ancillary to the substantive provisions of the HRO.

Table 2b: Justification for inclusion of provisions

Article in HRO	Summary of Provision	Requirement for provision
<p style="text-align: center;">2</p> <p>Interpretation</p>	<p>This article contains definitions which apply throughout the HRO and a number of other provisions assisting with the interpretation of and clarification of scope of the HRO.</p>	<p>The definitions are found within paragraph (1) of the article.</p> <p>Paragraph (2) provides that all points, distances etc. in the HRO should be construed as if the word “or thereabouts” had been inserted after them.</p> <p>Paragraph (3) sets out that all references to points in the HRO are references to World Geodetic System 1984.</p> <p>Article 2 is required to enable the HRO and its effect to be properly interpreted.</p>
<p style="text-align: center;">3</p> <p>Incorporation of the Harbours, Docks and Piers Clauses Act 1847</p>	<p>This article incorporates the Harbours, Docks and Piers Clauses Act 1847 (‘the 1847 Act’) except in relation to the sections listed as being excepted. Those sections included predominantly relate to:</p> <ul style="list-style-type: none"> • Power to construct warehouses and other works (section 21). • Rates (sections 27 and 33). • Collection of rates (sections 34 – 40 and 43 – 46 and 48). • Harbour, dock and pier master (sections 51 - 65). • 68, 69, 72 – 76 (relating to the discharge or cargoes, removal of goods and the protection of the harbour, dock and pier); • Harbour and dock police (sections 79 – 80). • Meters and weighers (sections 81 – 82). • Byelaws (section 83). • Recovery of damages and penalties (sections 92, 94). 	<p>This is an incorporation clauses of the 1847 Act. This incorporation has effect subject to the modifications made in paragraphs (2) to (6).</p> <p>In relation to paragraph (2) in particular, this provides that section 33 of the 1847 Act (also known as the ‘Open Port Duty’) shall not apply to Portishead Pier. The only vessels that load and unload at Portishead Pier do so inside the lock gates which are outside the limits of Portishead Pier. As such, it is not considered necessary or desirable in the interests of securing the improvement, maintenance or management of Portishead Pier in an efficient and economical manner for it to be incorporated. It shall, however, continue to apply to Bristol City Docks.</p> <p>Although the Open Port Duty shall not apply at Portishead Pier under the provisions of the HRO (for the reasons set out above), Portishead Pier remains a statutory harbour undertaking of the Council and, as such, the remaining provisions included in the HRO need to apply to Portishead Pier as well as Bristol City Docks to assist the Council with complying with its duties and responsibilities as harbour authority, and with compliance with the PMSC.</p>
<p style="text-align: center;">4</p>	<p>This article provides that the Council shall exercise jurisdiction as a harbour authority, and the powers of the harbour master shall be exercisable within the Harbours</p>	<p>Due to the repeal or cessation of effect of the majority of current statutory harbour legislation under the HRO, it is important that the Council’s jurisdiction as statutory harbour authority is clearly set out in</p>

<p>Harbour Jurisdiction</p>	<p>(which include the Bristol City Docks harbour premises and the Portishead Pier harbour premises) the limits of which are described fully in Schedule 1 (limits of harbours).</p>	<p>this article. Therefore, it is conducive to the efficient and economic management of the Harbours to express them clearly in the HRO and to deposit plans clearly delineating the harbour limits and harbour premises. All of the land (including land covered by water) that is currently understood to fall within the harbour limits has been included.</p> <p>The limits of Bristol City Docks are fully described in Part 1 of Schedule 1 (limits of harbours). It can be seen from paragraph (b) that these limits include the banks of the River Avon between Netham Lock and Hanham Mills. The Council already has jurisdiction over this area as provided for under article 3 and paragraph (c) of Schedule 1, Part II of the 1972 Order. However, the 1972 Order shall cease to have effect in relation to the Harbours in accordance with article 70 and Schedule 3 of the HRO. As such, they have been re-stated under the HRO to continue to form part of the limits of Bristol City Docks. It should be noted that, under the HRO, the extent of the Council’s jurisdiction over the banks has been reduced only to the banks between Netham Lock and Hanham Mills (again, the Council already has jurisdiction over this area under the 1972 Order). It is not considered retaining jurisdiction over the banks beyond this area is necessary or desirable for the purposes of the undertaking and not required for compliance with the PMSC. Finally, in relation to the banks, these are ‘fixed’ limits and as such have been expressly excluded from the definition of “Bristol City Docks harbour premises” under article 2(1) of the HRO.</p> <p>The limits of Portishead Pier are fully described in Part 2 of Schedule 1 (limits of harbours) and include the Portishead Pier harbour premises.</p> <p>The limits described above are shown for illustrative purposes on the plans being deposited with the HRO. It should be noted that the Bristol City Docks harbour premises plan names and indicates the position of relevant bridges at Bristol City Docks with coordinates in WGS1984 format.</p> <p>In respect of the harbour premises more generally (at both Bristol City Docks and Portishead Pier), the definitions of “Bristol City Docks</p>
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		<p>harbour premises” and “Portishead Pier harbour premises” (defined in article 2(1) of the HRO) are flexible, meaning that if further land was purchased in the future for the harbour undertaking, it would automatically become part of the undertaking (or if land no longer required for the purposes of the harbour undertaking was sold, it would cease to be a part of the harbour undertaking). In the event of any future alteration to the extent of the harbour premises (because the Council buys, sells etc. land), the HRO requires the Council to publish an updated plan on the Harbours website and to display one in the Harbour office within 30 days of the alteration. The Council’s byelaw and general direction enforcement powers can be exercised over the entire area of jurisdiction.</p> <p>This article is authorised by paragraph 6 of Schedule 2 to the 1964 Act, as follows:</p> <p><i>“Settling (either for all purposes or for limited purposes) the limits within which the authority are to have jurisdiction or altering (either for all purposes or for limited purposes) such limits as previously settled.”</i></p> <p>A similar provision can be found under article 4 of the Cornwall Harbours Harbour Revision Order 2023, article 3 of the Newport (Isle of Wight) Harbour Revision Order 2021.</p>
<p>5</p> <p>General functions</p>	<p>This article provides that the Council may take such steps as it may consider necessary or desirable from time to time for the operation, maintenance, management and improvement of the Harbours, their approaches and facilities.</p>	<p>For those purposes, this article authorises the Council to improve maintain, regulate, manage, mark and light the Harbours and provide harbour facilities; carry out various activities related to works, structures and equipment at the Harbours (including the harbour premises) and do all other things which in its opinion is expedient to facilitate the proper operation, improvement or development of the Harbours including acquiring land. Although the Council has implied powers to acquire land for the Harbours, it is sensible to include an express reference to the power within the HRO.</p> <p>The definition of harbour facilities highlights the importance of the fishing, leisure, energy, recreational and tourism industries to the future</p>

		<p>viability of the Harbours.</p> <p>This article is authorised by paragraph 3 of Schedule 2 to the 1964 Act:</p> <p><i>"Varying or abolishing duties or powers imposed or conferred on the authority by a statutory provision of local application affecting the harbour, being duties or powers imposed or conferred for the purpose of- (a) improving, maintaining or managing the harbour; (b) marking or lighting the harbour, raising wrecks therein or otherwise making safe the navigation thereof; or (c) regulating the carrying on by others of activities relating to the harbour or of activities on harbour land"</i>.</p> <p>As a result of the majority of local legislation being repealed or ceasing to have effect under the HRO, it is considered that, in the interests of clarity, it is desirable that the Council's powers to carry out the matters set out in this article should be set out expressly, rather than relying on implied and / or existing powers.</p> <p>A similar provision can be found under article 5 of the Cornwall Harbours Harbour Revision Order 2023, and article 5 of the Weymouth Harbour Revision Order 2021.</p> <p>Specifically relating to the power to invest contained in paragraph (2), this provision provides that where there are monies which are not immediately required by the Council for the purposes of the harbour undertaking, the Council can invest such monies as it thinks fit.</p> <p>This power allows the Council to make such investments as it considers fit using any monies which aren't immediately required for the purposes of the harbour undertaking. Such monies may include, for example, monies held in the reserve fund established under article 7 of the HRO and applied in accordance with paragraph 3(e). Paragraph 3(e) provides that reserve fund monies may be applied by the Council for <i>"any other lawful purpose sanctioned by the Council and connected with the harbour undertaking"</i>.</p>
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		<p>It is considered that this article is desirable in the interests of securing the improvement, maintenance or management of the Harbours in an efficient and economical manner, as required by section 14(2)(b) of the 1964 Act because it will allow the Council to invest to maximise the funds available to it for the benefit and future of the Harbours.</p> <p>Similar provisions already exist under local harbour legislation, such as section 12 of the Blyth Harbour Act 1986 and article 18 of the Falmouth Harbour Revision (Constitution) Order 2004 in England. Similar provisions can also be found in force in Scotland, for example article 5 of the Montrose Harbour Revision Order 1999 and article 13 of the Eyemouth Harbour Revision Order 2021. These provisions provide that the relevant statutory harbour authority may invest sums not immediately required for the purposes of the harbour undertaking and / or turn their resources to account so far as not required for the purposes of the harbour undertaking.</p> <p>This provision is authorised by paragraph 17 of Schedule 2 to the 1964 Act:</p> <p><i>“Any object which, though not falling within any of the foregoing paragraphs, appears to the appropriate Minister to be one the achievement of which will conduce to the efficient functioning of the harbour”.</i></p>
<p>6</p> <p>Application of Finances</p>	<p>This article provides that the Council shall apply the harbour revenue in the manner following and not otherwise:</p> <p>(A) first in payment of the working and establishment expenses and costs of maintenance of the Harbours;</p> <p>(B) secondly in payment of the interest on any moneys borrowed by the Council for the Harbours under any statutory borrowing power;</p> <p>(C) thirdly in payment of all other expenses properly chargeable to harbour revenue; and</p>	<p>This article is authorised by paragraph 13 of Schedule 2 to the 1964 Act:</p> <p><i>“Regulating the application of moneys in the nature of revenue received by the authority and securing that the financial affairs of the authority are properly managed.”</i></p> <p>This article is useful to the efficient management of the Harbours as it expressly sets out how harbour revenue should be used.</p> <p>A similar provision can be found under article 14 of the Cornwall Harbours Harbour Revision Order 2023 and article 7 of the Weymouth Harbour Revision Order 2021.</p>

	(D) fourthly to an account established as a reserve fund for the Harbours.	
7 Reserve Fund	This article provides that the Council may establish and maintain a reserve fund covering the Harbours and carry to such a fund any part of their harbour revenue as is available for the purpose.	<p>This article is authorised by paragraph 13 to Schedule 2 of the 1964 Act:</p> <p><i>“Regulating the application of moneys in the nature of revenue received by the authority and securing that the financial affairs of the authority are properly managed.”</i></p> <p>It is an essential part of prudent financial management that the Council should have the power to maintain a reserve fund to enable the Council to plan for future expenditure across the Harbours in an economic and efficient manner.</p> <p>A similar provision can be found under article 8 of the Weymouth Harbour Revision Order 2021.</p>
8 Borrowing 9 Temporary borrowing	<p>Article 8 provides that the Council may borrow such sums of money as thought fit for the purposes of the harbour undertaking.</p> <p>Article 9 provides that 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 harbour undertaking.</p>	<p>These articles are required as the Council’s existing borrowing powers under section 172 and 173 of the 1926 Act, section 28 of the 1903 Act, section 49, 75 and 76 of the 1901 Act, and section 54(1)(e) of the 1905 Act shall no longer be exercisable under the provisions of the HRO.</p> <p>The articles reflect modern statutory harbour borrowing powers as can be seen in the similar powers conferred by article 18 of the Cornwall Harbours Harbour Revision Order 2023, article 3 of the Blyth Harbour Revision Order 2015, and article 9 of the Dover Harbour Revision Order 2014.</p> <p>There is no need to place a limit on the amount of money which can be borrowed by the Council because, in reality, borrowings will be limited by the amount a lender is prepared to loan. In addition, the unlimited borrowing power will avoid the requirement for an HRO at a future date to extend the borrowing powers as the value of money decreases as a result of inflation.</p> <p>In respect of article 8(3), the Council may effect such arrangements as</p>

		<p>considered for to mitigate ant financial risk incurred for the purposes of borrowing under paragraph (1). The power to enter into risk mitigation arrangements is needed to enable the Council to exercise the power to borrow in a prudent and cost effective manner.</p> <p>These articles are authorised under paragraph 10 of Schedule 2 to the 1964 Act, as follows:</p> <p><i>“Empowering the authority to borrow money, with or without limitation with respect to the amount that may be borrowed or the time or manner in which the power may be exercised.”</i></p>
Charges (generally)	<p>The articles contained within this Part of the HRO (Charges) set out the Council’s powers with respect to charges it may levy. They are reflective of modern statutory harbour powers relating to charges and are conducive to the improvement, maintenance and management of the Harbours in an efficient and economical manner. A similar suite of powers can be found in the Weymouth Harbour Revision Order 2021 and the Poole Harbour Revision Order 2012.</p>	<p>See below for further justification of particular provisions.</p>
10 Charges other than ship, passenger and goods dues	<p>This article provides that in addition to ship, passenger and goods dues under section 26 of the 1964 Act, the Council may demand, take and recover reasonable charges in respect of all vessels. It also expressly states that charges may be made in respect of a variety of other floating platforms etc. so that no dispute will arise as to whether such structures fall within the definition of vessel contained within the HRO.</p>	<p>It is important to the Harbours’ future viability that all users of the Harbours contribute to the cost of the management and maintenance of the Harbours.</p> <p>It would be detrimental to the improvement, maintenance or management of the Harbours in an efficient and economical manner if charging powers did not exist in respect of one type of vessel or floating structure using the Harbours (unless exempt under the HRO). This provision is particularly important because the HRO provides many existing charging provisions in current local statutory harbour legislation to be repealed or cease to have effect.</p> <p>This article is authorised by paragraph 11 of Schedule 2 to the 1964 Act:</p>

		<p><i>“empowering the authority to levy at the harbour charges other than ship, passenger and goods dues or varying or abolishing charges (other than aforesaid) levied by them at the harbour”.</i></p> <p>A similar provision can be found under article 39 of the Cornwall Harbours Harbour Revision Order 2023, and article 10 of the Weymouth Harbour Revision Order 2021.</p>
<p>11 Charges for services or facilities</p>	<p>This article provides that in addition to ship, passenger and goods dues under section 26 of the 1964 Act, the Council may demand, take and recover reasonable charges for services and facilities provided by it.</p>	<p>This provision is common as it is required for the Harbours to be managed economically and efficiently.</p> <p>This article is authorised by paragraph 11 of Schedule 2 to the 1964 Act:</p> <p><i>“empowering the authority to levy at the harbour charges other than ship, passenger and goods dues or varying or abolishing charges (other than aforesaid) levied by them at the harbour”.</i></p> <p>This is pursuant to securing the improvement, maintenance and management of the Harbours in an efficient and economical manner.</p> <p>A similar provision can be found under article 40 of the Cornwall Harbours Harbour Revision Order 2023 and article 11 of the Weymouth Harbour Revision Order 2021.</p>
<p>12 Setting of charges</p>	<p>This article requires that the Council’s rationale behind the setting of charges must be underpinned by regard for overall viability of the Harbours, but also imposes a corresponding duty on the Council to try and raise sufficient revenue at each harbour to meet its outgoings.</p>	<p>With the areas of income generating land being incorporated within the harbour limits it is expected that the harbours will be able to operate viably. This article ensures that in respect of each individual harbour there is a duty to ensure (so far as reasonably practicable) viability. This provision is consistent with section 14(2)(b) of the 1964 Act for the HRO to be <i>“desirable for the improvement, maintenance and management of the harbour in an efficient and economical manner”.</i></p> <p>A similar provision can be found under article 41 of the Cornwall Harbours Harbour Revision Order 2023 and 14 of the Weymouth Harbour Revision Order 2021.</p>

<p>13</p> <p>Payment of Charges</p>	<p>This article provides that charges are payable before the vessel or goods against which they are payable are removed from the Harbours. It also sets out who charges are payable by, who they can be recovered from and when.</p>	<p>This article is included to ensure that the payment of charges authorised to be levied are consistent with section 14(2)(b) of the 1964 Act for the HRO to be desirable for the improvement, maintenance and management of the Harbours in an efficient and economical manner. For these purposes, it is essential that the HRO is clear as to when charges must be paid and from whom charges must be taken. It would be counter-productive to exclude such a provision from the HRO as this would negatively impact the Council’s ability to efficiently and economically manage the Harbours.</p> <p>Furthermore, this article is authorised by paragraph 12 of Schedule 2 to the 1964 Act in that it secures the efficient collections of charges levied by the Council, specifying the times at which and the persons by whom charges are to be paid:</p> <p style="text-align: center;"><i>“Securing the efficient collection of charges levied by the authority at the harbour and specifying the times at which and the persons by whom such charges are to be paid.”</i></p> <p>A similar provision can be found under article 42 of the Cornwall Harbours Harbour Revision Order 2023, and article 12 of the Weymouth Harbour Revision Order 2021.</p>
<p>14</p> <p>Compounding arrangements and rebates</p>	<p>This article provides the Council with a power to confer exemptions from dues, allow rebates or make compositions with any person with respect to charges. In addition, it provides that the Council does not have to include on its list of ship, passenger and goods dues kept at the harbours office charges which have been reduced by a rebate or a compounding arrangement in respect of a due included on the list.</p>	<p>This article is important to enable the Council to act in a commercial manner when entering into arrangements with customers, thereby managing the Harbours in an efficient and economical manner. This would be extremely difficult if the Council was required to publish commercially sensitive information.</p> <p>The great majority of ports operate on a commercial basis, in competition with each other (domestically and abroad) and in some cases with other modes of transport. This is recognised by the Ports Good Governance guidance at paragraph 1.15. The commercial relationship formed with harbour stakeholders in particular is also recognised at paragraph 2.10 and 2.11, and paragraph 2.28 specifically states:</p>

		<p><i>“All SHAs are encouraged to consider meeting the reasonable requests for information from stakeholders, where practical. This does not mean that SHAs should be expected to make available information that is commercially or otherwise sensitive...”.</i></p> <p>On this basis, it is considered this article is consistent and with the Ports Good Governance Guidance and is therefore justified.</p> <p>A similar article can be found in, for example, article 43 of the Cornwall Harbours Harbour Revision Order 2023.</p>
<p>15 Deposits for charges</p>	<p>This article provides that the Council may require from a person who incurs or is about to incur a charge with it a reasonable deposit or guarantee. It also provides the Council with the power to detain a relevant vessel or goods until the deposit has been paid or the required guarantee made.</p>	<p>It is essential for the economic management of the Harbours to be able to secure the reasonable charges due to the Council by virtue its charging powers under the local legislation applying to the Harbours, the 1964 Act or otherwise. Should it become apparent that such a guarantee is not going to be provided by the person from whom it is due, then until such guarantee is received the Council needs to be able to secure the interests of the Harbours by removing the relevant vessel or goods from the Harbours or refuse entry.</p> <p>Article 14 is consistent with section 14(2)(b) of the 1964 Act for the HRO to be <i>“desirable for the improvement, maintenance and management of the harbour in an efficient and economical manner”</i>.</p> <p>Furthermore, this article is authorised by paragraph 12 of Schedule 2 to the 1964 Act in that it secures the efficient collections of charges levied by the Council:</p> <p><i>“Securing the efficient collection of charges levied by the authority at the harbour and specifying the times at which and the persons by whom such charges are to be paid.”</i></p> <p>A similar provision can be found under article 44 of the Cornwall Harbours Harbour Revision Order 2023 and article 14 of the Weymouth Harbour Revision Order 2021.</p>
<p>16</p>	<p>This article provides for a right of lien over goods in the possession or custody respectively of a person collecting</p>	<p>This is a standard provision included to secure the financial interests of those who by agreement with the Council collects charges on its behalf,</p>

<p>Liens for charges</p>	<p>charges on behalf of the Council or, a wharfinger or carrier, who has paid or given security for charges on those goods.</p>	<p>by securing said interest against goods in their possession. As that person will not themselves be liable for the payment of charges, this provision is required to secure debts owed.</p> <p>A similar provision can be found under article 45 of the Cornwall Harbours Harbour Revision Order 2023 and article 15 of the Weymouth Harbour Revision Order 2021.</p>
<p>17</p> <p>Refusal to pay charges for landing places</p>	<p>This article provides that a vessel may be prevented from using a landing place supplied by the Council, if the master of the vessel refuses to pay the related charges.</p>	<p>It is essential for the economic management of the Harbours for the Council to be able to secure the reasonable charges due to it by virtue its charging powers under the local legislation applying to the Harbours, the 1964 Act or otherwise. Therefore, the Council must be able to prevent vessels from sailing or using facilities at the Harbours (such as a landing place or mooring) in the event that the master of a vessel refuses to pay the reasonable charge required, as authorised under the HRO.</p> <p>This article is consistent with section 14(2)(b) of the 1964 Act for the HRO to be desirable for the improvement, maintenance and management of the Harbours in an efficient and economical manner. Furthermore, this article is authorised by paragraph 12 of Schedule 2 to the 1964 Act in that is promotes securing the efficient collections of charges levied by the Council:</p> <p style="text-align: center;"><i>“Securing the efficient collection of charges levied by the authority at the harbour and specifying the times at which and the persons by whom such charges are to be paid.”</i></p> <p>A similar provision can be found under article 46 of the Cornwall Harbours Harbour Revision Order 2023 and article 16 of the Weymouth Harbour Revision Order 2021.</p>
<p>18</p> <p>Exemption from Harbour Dues</p>	<p>This article is similar to other modern provisions providing for an exemption for harbour dues for certain vessels, persons and government departments (or their current equivalent) whilst in the exercise of their core duties.</p>	<p>This article is authorised by paragraph 14 of Schedule 2 to the 1964 Act, as follows:</p>

		<p><i>“Varying or extinguishing any exemption from charges levied by the authority at the harbour or any other right or privilege enjoyed thereat.”</i></p> <p>It is necessary for the efficient and safe management of the Harbours that those persons named in the article are exempt from harbour dues when in the exercise of their core functions, as such persons ought not to be restricted or deterred from exercising those functions as a result of them otherwise being liable to pay harbour dues.</p> <p>A similar provision can be found under article 47 of the Cornwall Harbours Harbour Revision Order 2023 and article 17 of the Weymouth Harbour Revision Order 2021.</p>
<p>19</p> <p>Recovery of charges</p>	<p>This article provides that in addition to any other powers of recovery available to it, the Council may recover any charges payable to it as a debt in Court.</p>	<p>It is essential for the economic management of the Harbours to be able to secure the reasonable charges due to the Council by virtue of charging powers under the local legislation applying to the Harbours, the 1847 Act incorporated with the HRO or otherwise. Therefore, the Council must be able to rely on the resources of the Court to assist in securing any debts owed to them should the existing powers of recovery be insufficient to secure the debt.</p> <p>This article is consistent with section 14(2)(b) of the 1964 Act for the HRO to be desirable for the improvement, maintenance and management of the Harbours in an efficient and economical manner.</p> <p>A similar provision can be found under article 48 of the Cornwall Harbours Harbour Revision Order 2023 and article 18 of the Weymouth Harbour Revision Order 2021.</p>
<p>20</p> <p>Harbour master may prevent sailing of vessels</p>	<p>This article provides that the harbour master may prevent the removal or sailing from the Harbours of any vessel until evidence is produced that any charges payable in respect of the vessel, its passengers or goods have been paid.</p>	<p>It is essential for the economic management of the Harbours for the Council to be able to secure the reasonable charges due to it in relation to:</p> <ul style="list-style-type: none"> • the vessel; • passengers on the vessel; and

		<ul style="list-style-type: none"> • goods imported, exported or carried on the vessel, <p>by virtue its powers under the local legislation applying to the Harbours or otherwise. Therefore, the harbour master is required to have an express power to prevent the sailing and / or removal of a vessel from the Harbours until such a time as the charges payable have been paid.</p> <p>Should such a vessel be able to leave the Harbours without having paid the charges due, it would become difficult for the Council to recover said charges and therefore be detrimental to its ability to manage the Harbours in an economically efficient manner.</p> <p>This article is consistent with section 14(2)(b) of the 1964 Act for the HRO to be desirable for the improvement, maintenance and management of the Harbours in an efficient and economical manner.</p> <p>A similar provision can be found under article 49 of the Cornwall Harbours Harbour Revision Order 2023, and article 19 of the Weymouth Harbour Revision Order 2021.</p>
<p>21</p> <p>Power to make General Directions</p> <p>22</p> <p>Procedure for giving, amending or revoking General Directions</p> <p>23</p>	<p>The Council does not currently have the power of General Direction or Harbour Direction. These articles provide the Council with powers of General Direction which also cover vehicles for the ease, convenience or safety of harbour operations ashore as defined under the HRO (including speed limits for and parking of vehicles) and extended powers of Special Direction. The provisions also set out the consequences of failing to comply with a general direction or special direction.</p>	<p>The PMSC, advises at paragraph 2.5 of Chapter 2 that:</p> <p><i>“In particular, harbour authorities would be well advised to secure powers of general direction or harbour direction to support the effective management of vessels in their harbour waters if they do not have them already.”</i></p> <p>As set out above, the Council does not have powers of General Direction and seeks to obtain a modern power. The process for keeping general directions up to date is far more time and cost efficient than the byelaw making process and, due to the inclusion of the Harbours Advisory Group to be set up under the HRO as ‘designated consultees’, it contains a strong local consultation requirement.</p> <p>Therefore, in line with the PMSC, the Council is applying for a modernised power of General Direction that will enable the Council to have in place a single set of general directions. In line with best practice, these articles provide a statutory right for ‘designated consultees’ to be</p>

<p>Publication of General Directions</p> <p>24</p>		<p>consulted about proposed general directions (see article 22(1)(a) and (b)).</p> <p>As stated above, a Harbours Advisory Group will be a ‘designated consultee’ within article 22(1)(a) alongside the Chamber of Shipping and the Royal Yachting Association.</p>
<p>Special Directions</p> <p>25</p> <p>Failure to comply with directions</p> <p>26</p>		<p>General directions can be made over the entirety of the Harbours (which include the harbour premises). Any future exercise of this power will be exercised in accordance with article 22. This means that representations received from the designated consultees will be considered by the Council and if they object to proposed general directions and those concerns are unable to be resolved, there is a statutory adjudication process contained in article 22. The process contained in article 22 is likely to be acceptable to the Royal Yachting Association as a similar adjudication process is contained within the Cornwall Harbours Harbour Revision Order 2023, Shoreham Port Authority Harbour Revision Order 2021, Fowey Harbour Revision Order 2021 and the Dart Harbour and Navigation Harbour Revision Order 2021.</p>
<p>Enforcement of directions</p> <p>27</p>		<p>In terms of the precise scope of general directions, it will be seen that article 21(1) would allow the Council to give directions for the purposes of:</p>
<p>Master’s responsibility in relation to directions</p> <p>28</p>		<ul style="list-style-type: none"> (a) <i>the ease, convenience or safety of navigation;</i> (b) <i>the safety of persons;</i> (c) <i>the protection of property, flora and fauna;</i> (d) <i>the ease, convenience and safety of harbour operations ashore</i>
<p>Boarding of vessels and vehicles</p>		<p>In relation to vehicles and harbour operations ashore, such a scope is consistent with the powers in section 14(3) relating to penal provisions and the environmental duties placed on harbour authorities by virtue of section 48A of the 1964 Act and paragraph 16A of Schedule 2 to that Act, which enables a harbour revision order to confer powers for environmental conservation within harbours.</p>

		<p>Article 25 sets out the maximum fine level (level 4 on the standard scale) for failure to comply with a general direction once made. Although the Council does not currently have powers of General Direction, it does have byelaw-making powers under section 83 of the 1847 Act and is already entitled to impose fines of up to level 4 on the standard scale (section 57 of the Criminal Justice Act 1988). As such, a level 4 fine for the breach of general direction is considered justified. A similar provision can be found under article 35 of the Cornwall Harbours Harbour Revision Order 2023.</p> <p>Article 27 is consistent with section 14(2)(b) of the 1964 Act for the HRO to be desirable for the improvement, maintenance and management of the Harbours in an efficient and economical manner as it expressly imposes the Master's own responsibility in relation to directions. A similar provision can be found under article 37 of the Cornwall Harbours Harbour Revision Order 2023, article 10 of the Shoreham Port Authority Harbour Revision Order 2021 and under article 10 of the Lymington Harbour Revision Order 2014.</p> <p>Article 28 provides that a duly authorised officer of the Council may, on producing their authority if required, enter and inspect a vessel or vehicle in the Harbours for the purposes of any enactment relating to the Harbours (including any enactment so relating contained in subordinate legislation) or of any byelaw or general direction of the Council relating to the Harbours, including the enforcement of any such enactment, byelaw or general direction. Such a power will be useful to the Council where a person has failed to comply with byelaws, special directions or general directions. The Council must be afforded the power to board relevant vessels and vehicles for the purposes of enforcing those byelaws, special directions and general directions.</p> <p>The rationale for including the power of entry into vehicles as well as vessels is that, just like vessels, there may be circumstances in which a vehicle needs to be entered to ensure that general directions or byelaws made in respect of it have been complied with. For example, entry to the back of a lorry to ensure that a general direction related to the</p>
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<p>29</p> <p>Power to make byelaws</p>	<p>This article provides the Council with the power to make byelaws in a range of circumstances in addition to the purposes in section 83 of the 1847 Act (as incorporated under article 3 of the HRO) and is in line with the modern practice of setting out a wide range of matters upon which the Council will have the power to make byelaws.</p> <p>Byelaws made under this provision in the future may, in accordance with paragraph 4(a) of this article, provide for a fine not exceeding level 4 on the standard scale for breach thereof.</p>	<p>The power in this article incorporates the purposes in section 83 of the 1847 Act and is in line with the modern practice of setting out a wide range of matters (contained in Schedule 2) upon which the Council will have the power to make byelaws.</p> <p>The alternative practice is to set out a more general range of byelaw making powers and rely on the width of the wording of the provision. However, setting out the detail in this way reduces the scope for challenging any prosecution on the basis that the byelaw in question is outside the range of matters for which the Council has the power to make byelaws. This leads to increased costs and delays in prosecutions and therefore the more modern approach is to set out expressly a wider range of byelaw-making powers.</p> <p>A similar approach can be found in the Weymouth Harbour Revision Order 2021, the Portland Harbour Revision Order 1997, and under article 29 of the Cornwall Harbours Harbour Revision Order 2023.</p> <p>Historically, there has been little need to initiate any prosecutions at the Harbours for breach of byelaws as harbour users have complied with the instructions of the harbour masters. Nevertheless, to comply with the PMSC and to meet its duties (including those relating to navigational safety), it is important that the Council has modern and comprehensive byelaw-making powers. It is anticipated that the current byelaws in place at the Harbours will be reviewed and it is likely that they will be repealed and replaced with general directions following grant of the HRO. However, it is important that the Council retains wide byelaw-making powers in case it needs to introduce new byelaws in the future in respect of a risk not covered by the modernised power of General Direction.</p>

		<p>The Council already has byelaw-making powers (for example, under section 66 of the 1848 Act, section 48 of the 1881 Act, section 6 of the 1956 Act, and article 11 of the 1998 Order) and it is already entitled to impose fines of up to level 4 on the standard scale (article 11 of the 1998 Order and section 57 of the Criminal Justice Act 1988), so the level 4 fine is considered justified.</p> <p>The power to make byelaws is authorised by paragraph 4 of Schedule 2 to the 1964 Act:</p> <p><i>“Imposing or conferring on the authority, for the purpose aforesaid, duties or powers (including powers to make byelaws), either in addition to, or in substitution for, duties or powers imposed or conferred as mentioned in paragraph 3 above.”</i></p>
<p>30 Confirmation of Byelaws</p>	<p>This article sets out the procedure by which byelaws made under the HRO shall be confirmed under the Local Government Act 1972.</p>	<p>A similar provision can be found in article 30 of the Cornwall Harbours Harbour Revision Order 2023 and article 25 of the Folkestone Harbour Revision Order 2017.</p> <p>This provision is incidental to the power to make byelaws as described above and is consistent with section 14(2)(b) of the 1964 Act for the HRO to be desirable for the improvement, maintenance and management of the Harbours in an efficient and economical manner</p>
<p>31 Saving for existing directions, byelaws etc.</p>	<p>Due to the repeal or cessation of effect under the HRO of the majority of the local legislation currently in force in respect of the Harbours, it is necessary to include a saving provision for existing byelaws etc. They will remain in force until replaced in the future.</p>	<p>It is important that any existing byelaws, regulations, licences, leases etc. remain in force following the coming into force of this HRO.</p> <p>This provision is incidental to the powers to make byelaws and general directions that are being introduced under the HRO. It is therefore consistent with section 14(2)(b) of the 1964 Act for the HRO to be desirable for the improvement, maintenance and management of the Harbours in an efficient and economical manner.</p> <p>A similar provision can be found under article 38 of the Cornwall Harbours Harbour Revision Order 2023 and article 11 of the Shoreham Port Authority Harbour Revision Order 2021.</p>

<p>32</p> <p>Advisory bodies</p>	<p>This article covers the establishment of an external advisory body with an independent chair.</p>	<p>This article puts on a statutory basis the establishment and continuance of an advisory group or groups for the Harbours and their administration. It also requires the Council to consult the advisory group or groups.</p> <p>The statutory requirement for the Council to form an Advisory Group is fundamental to its compliance with the Ports Good Governance Guidance (March 2018) which recognises at para 1.5 <i>“the importance of engaging effectively and fully with stakeholders and carrying out their business in an accountable way”</i> and specifically sets out at para 2.6:</p> <p><i>“Effective engagement with stakeholders is essential for all SHAs to maintain or improve understanding of the harbour by its stakeholders. Engagement is equally important to understand stakeholder’s views about the harbour and key issues from their perspective. All SHAs should therefore seek to engage effectively with a wide range of stakeholders”.</i></p> <p>Additionally, the consultation requirement in respect of general directions (also being provided for under the HRO) sets out that the Council must (except in an emergency) consult the Advisory Group on all matters substantially affecting the Harbours, and therefore this article is necessary and incidental to the inclusion of the power of General Direction under the HRO. The power of General Direction will be an essential tool for the Council to comply with the PMSC.</p> <p>As a result of the above, this article is conducive to the efficient and economical development of the Harbours which are being improved, maintained and managed by a harbour authority.</p> <p>A similar provision can be found under article 13 of the Cornwall Harbours Harbour Revision Order 2023 and article 28 of the Weymouth Harbour Revision Order 2021.</p>
<p>33</p>	<p>This article provides that the Council may use or develop for any purpose, and deal with, any land within or in the vicinity of the Harbours; or form invest in and</p>	<p>Paragraph (2) provides that a company established under paragraph (1)(b) may have powers to do anything necessary for the purposes of the objects for which it has been established notwithstanding that the</p>

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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 Harbours.

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

This article, as far as applying to land not required for the harbour undertaking, is authorised by paragraph 9A of Schedule 2 to the 1964 Act:

"Empowering the authority (alone or with others) to develop land not required for the purposes of the harbour with a view to disposing of the land or of interests in it, and to acquire land by agreement for the purpose of developing it together with such land".

So far as relating to harbour land, it is considered that this article is authorised by paragraph 17 of Schedule 2 to the 1964 Act which enables a provision to be included in a harbour revision order if the object of the provision appears to the MMO to be one the achievement of which will conduce to the efficient functioning of the Harbours. The case for this is set out below as an integral justification for this article.

The purpose of this article is to give the Council the flexibility, subject to obtaining the necessary rights in or over land, to exploit opportunities to develop land (including harbour land) to maximise the efficient utilisation, expansion and regeneration of the Harbours. The profits and revenues derived by the harbour undertaking from the development of any land under this article would be used to improve and develop the Harbours and provide increased financial security.

It should be noted that the powers in this article can only be exercised if *"it is conducive to the improvement, maintenance or management of the harbours in an efficient and economical manner"*. This limitation brings this article within the powers of section 14(2)(b) of the 1964 Act.

Similar powers to those in this article were conferred in the Weymouth Harbour Revision Order 2021, the Poole Harbour Revision Order 2012, the Dover Harbour Revision Order 2014, and the Cornwall Harbours Harbour Revision Order 2023.

<p style="text-align: center;">34</p> <p style="text-align: center;">Power to grant tenancies and to dispose of land</p>	<p>Paragraph (1) gives power to the Council, for the purposes of or in connection with the carrying on of the undertaking, to grant leases and other rights or interests over its land or other property forming part of the Harbours.</p> <p>Paragraph (2) provides that the Council may also dispose of, or grant the use or occupation for any purpose of, land or property if they consider that the property is surplus to harbour requirements; or it would conduce to the improvement, maintenance or management of the Harbours in an efficient and economical manner for the property to be held by a person other than the Council.</p>	<p>Paragraph (1), which is needed to manage the Harbours, is authorised by paragraph 3(a) of Schedule 2 to the 1964 Act which relates to powers conferred for the purposes of <i>“improving maintaining or managing the harbour”</i>.</p> <p>Paragraph (3)(a) is authorised by paragraph 9 of Schedule 2 to the 1964 Act:</p> <p style="text-align: center;"><i>“Empowering the authority to dispose of property vested in them and held for the purposes of the harbour which is no longer required for those purposes.”</i></p> <p>It is considered that paragraph (3)(b) is authorised by paragraph 17 of Schedule 2 to the 1964 Act which enables a provision to be included in a harbour revision order if the object of the provision appears to the MMO to be one the achievement of which will conduce to the efficient functioning of the Harbours. The case for this is set out as an integral part of the need for this article.</p> <p>Paragraphs (1) and (3)(a) are needed to enable the Council to manage the harbour undertaking effectively.</p> <p>These powers are similar to the powers conferred in the Weymouth Harbour Revision Order 2021, the Poole Harbour Revision Order 2012, the Dover Harbour Revision Order 2014, and the Cornwall Harbours Harbour Revision Order 2023.</p> <p>Paragraph (3)(b) would enable the Council to grant leases or transfer land or property to a subsidiary or other body. This power is needed to enable the Council to have sufficient flexibility in how to structure the harbour undertaking in the future. The power in paragraph (3)(b) is only exercisable if <i>“it would conduce to the improvement, maintenance, operation or management of the harbours in an efficient and economical manner”</i>. This limitation brings paragraph (3)(b) within the powers of section 14(2)(b) of the 1964 Act.</p>
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<p>35</p> <p>Power to appropriate lands and works for particular uses etc.</p>	<p>This article provides that the Council may from time to time for the purpose of or in connection with the management of the Harbours set apart and appropriate any part of the Harbours 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.</p>	<p>Section 33 of the 1847 Act (also known as ‘the Open Port Duty’) is incorporated into the HRO and applies to Bristol City Docks (but not Portishead Pier as per article 3(2) of the HRO and justified above). As such, the Council remain under a duty to keep Bristol City Docks open for the shipping and unshipping of goods, and the embarkment and landing of passengers. Therefore, the power of this article will only ever operate at Bristol City Docks insofar as it does not otherwise conflict with the duty under section 33 of the 1847 Act, as incorporated.</p> <p>In addition, the power under this article must only be exercised for the “<i>purpose of or in connection with the carrying on of the harbour undertaking</i>” and not for wider purposes. This article is therefore within the scope of section 14(2)(b) of the 1964 Act in that it will assist the Council in the management of the Harbours in an efficient manner and facilitate the efficient and economic transport of goods and passengers by sea, again for Harbour purposes only.</p> <p>A similar provision can be found under article 56 of the Cornwall Harbours Harbour Revision Order 2023 and article 31 of the Weymouth Harbour Revision Order 2021.</p>
<p>36</p> <p>Other commercial activities</p>	<p>Paragraph (1)(a) provides that the Council may carry on at any place a trade or business of any kind including a trade or business carried on in conjunction with another person. Paragraph (1)(b) enables the Council to 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 undertaking or carrying on at any place a trade or business of any kind. Paragraph (2) provides that a company established under paragraph (1)(b) may have powers to do anything necessary or expedient for the purposes of the objects for which it has been established notwithstanding that the Council would not itself (as harbour authority) have the power to do that thing.</p>	<p>Paragraph (1)(a) would assist the Council to maximise the potential of the harbour undertaking by enabling it to carry on any business which could conveniently be carried on with the harbour undertaking. For example, the Council could utilise and develop the skill and experience of its staff by providing services to other harbour undertakings or to carry out business activities which are incidental to running harbours.</p> <p>Paragraph (1)(b) would enable the Council to carry on such a business as part of a joint venture with another person or persons, for example enabling the Council to contribute land and / or harbour-related expertise to the venture while the other party contributes complementary specialist business expertise.</p> <p>The profits and revenues derived from the business ventures under this article would be used to improve and develop the Harbours and ensure increased financial security.</p>

		<p>It should be noted that the powers in this article can only be exercised if:</p> <p><i>“it is conducive to the improvement, maintenance, operation or management of the harbours in an efficient and economical manner”.</i></p> <p>This limitation brings this article within the powers of section 14(2)(b) of the 1964 Act.</p> <p>Similar powers were conferred in the Weymouth Harbour Revision Order 2021, the Dover Harbour Revision Order 2014 and the Cornwall Harbours Harbour Revision Order 2023.</p> <p>It is considered that this article is authorised by paragraph 17 of Schedule 2 to the 1964 Act which enables a provision to be included in a harbour revision order if the object of the provision appears to the MMO to be one the achievement of which will conduce to the efficient functioning of the harbours.</p> <p>The case for this is set out as an integral part of the justification for article.</p>
<p>37</p> <p>Power to delegate functions</p>	<p>This article provides that the Council may delegate the performance of any of its functions to be carried out by any such company as referred to in paragraph (1)(b).</p>	<p>This article is authorised by paragraph 9B of Schedule 2 to the 1964 Act:</p> <p><i>“Empowering the authority to delegate the performance of any functions of the authority except-</i></p> <ul style="list-style-type: none"> <i>(a) a duty imposed on the authority by or under any enactment;</i> <i>(b) the making of byelaws;</i> <i>(c) the levying of ships, passenger and goods dues;</i> <i>(d) the appointment of harbour, dock and pier masters;</i>

		<p><i>(e) the nomination of persons to act as constables;</i></p> <p><i>(f) functions relating to the laying down of buoys, the erection of lighthouses and the exhibition of lights, beacons and seamarks, so far as those functions are exercisable for the purposes of the safety of navigation."</i></p> <p>The power to delegate functions is needed to enable the Council to carry out day to day activities through a subsidiary or joint venture company. The power does not apply to the key functions which cannot be delegated under paragraph 9B of Schedule 2 to the 1964 Act.</p> <p>A similar provision can be found under article 58 of the Cornwall Harbours Harbour Revision Order 2023.</p>
<p>38</p> <p>Power to lay Moorings</p> <p>39</p> <p>Licensing of moorings</p> <p>40</p> <p>Offences as to moorings</p>	<p>These articles provide the Council with powers related to the provision, maintenance and licensing of moorings within the Harbours. It is considered that modernised express provisions are conducive to the efficient and economical management and maintenance of the Harbours.</p>	<p>Similar provisions are found within articles 51 to 53 of the Cornwall Harbours Harbour Revision Order 2023, articles 14 to 17 of the Yarmouth (Isle of Wight Harbour Revision Order 2011, articles 9 to 11 of the Poole Harbour Revision Order 2012, article 18 of the Watchet Harbour Revision Order 2000 and article 21 of the Burry Harbour Revision Order 2000.</p> <p>These articles provide for a level 4 fine for failure to comply with its requirements. This level of fine is required firstly to ensure that there is a sufficient level of deterrent (moorings in the Harbours are sought after and can be used to generate income, and the level of fine needs to be in excess of likely income generation). Secondly, it is needed to deter against causing navigational hazards within the Harbours. Thirdly, it is needed because a mooring obstructing safe navigation at Bristol City Docks could interfere with the operation of the Open Port Duty there. As such, it is considered that a level 4 fine is justified.</p>
<p>41</p> <p>Bunkering</p>	<p>This article provides the Council with powers in relation to licensing those persons carrying out commercial refuelling activities related to vessels in the Harbours.</p>	<p>To comply with the environmental duties contained in section 48A of the 1964 Act, the Council considers that it is important that it has express powers to licence such activities so that proper risk assessments can be carried out and persons carrying out such activities can be required to comply with terms and conditions, designed to mitigate against risks associated with such activities</p>

		<p>(including environmental). Due to the fact that such operations are being carried out commercially and the potential environmental implications, it is considered that a level 4 fine is justified.</p> <p>Similar powers were conferred by article 59 of the Cornwall Harbours Harbour Revision Order 2023 and article 35 of the Weymouth Harbour Revision Order 2021.</p>
<p>42</p> <p>Aids to navigation</p>	<p>This article provides that the Council may, with the approval of Trinity House, erect, place, alter, discontinue or remove any aids to navigation in any place adjacent to the harbours (subject to obtaining the necessary interest in or over land).</p>	<p>This power is important for enabling the Council to meet its navigational safety duties and is therefore consistent with section 14(2)(b) of the 1964 Act to secure the management of the Harbours in an efficient manner or of facilitating the efficient and economic transport of goods or passengers by sea.</p> <p>A similar provision can be found under article 19 of the Cornwall Harbours Harbour Revision Order 2023 and article 36 of the Weymouth Harbour Revision Order 2021.</p>
<p>43</p> <p>Power to dredge</p>	<p>This article provides the Council with a power to dredge.</p>	<p>The power to dredge is a standard statutory harbour power. and, under existing local legislation (for example, section 14 of the 1865 Act and section 13 of the 1901 Act), the Council already has powers to dredge.</p> <p>It is conducive to the management of the undertaking in an efficient manner (as required by section 14(2)(b) of the 1964 Act) for the power to be included in the HRO.</p> <p>It is important that the Council is provided with a power reflective of modern provisions so that it is able to dredge if and when required and is desirable in the interests of securing the improvement, maintenance or management of the Harbours in an efficient and economical manner and facilitating the efficient and economic transport of goods or passengers by sea (as required by section 14(2)(b) of the 1964 Act).</p> <p>If dredging is carried out at the Harbours under the provision in the future, then in line with section 75 of the Marine and Coastal Access Act 2009, the Council will not need to obtain a marine licence for the dredging activities at the Harbours (which is the same as the current</p>

		<p>position). However, if disposal to sea is required in the future, then a marine licence will continue to be required for this disposal.</p> <p>A similar dredging power can be found under article 50 of the Cornwall Harbours Harbour Revision Order 2023 and article 37 of the Weymouth Harbour Revision Order 2021.</p>
<p>44</p> <p>Repair of landing places etc.</p>	<p>This article provides that the Council may by notice require the owner or occupier of any landing place, jetty, embankment or structure or other work in the Harbours or immediately adjoining the waters of the Harbours to repair it, within a reasonable time, to their reasonable satisfaction, if it is a danger to persons or vessels using the Harbours or a hindrance to navigation of the Harbours. The provision provides for a level 3 fine for non-compliance (on summary conviction) and a power for the Council to carry out the works and recover the reasonable cost of doing so from the person on whom the notice was served. There is right of appeal to the Secretary of State.</p>	<p>This power is important in assisting the Council in meeting its duties with regard to navigational safety and the safety of harbour users. Due to the potential safety implications of failure to comply, a level 3 fine is justified. Similar provisions can be found in article 20 of the Cornwall Harbours Harbour Revision Order 2023 and article 11 of the Portland Harbour Revision Order 1997.</p> <p>This article relates to navigational safety in that it applies to features which are:</p> <p style="text-align: center;"><i>dangerous to persons or vessels using the harbours;</i> <i>a hindrance to the navigation of the harbours,</i></p> <p>and is therefore desirable in the interests of securing the improvement, maintenance or management of the Harbours in an efficient and economical manner or of facilitating the efficient and economic transport of goods or passengers by sea as required by section 14(2)(b) of the 1964 Act.</p>
<p>45</p> <p>Restriction of works and dredging</p> <p>46</p> <p>Control of certain</p>	<p>These articles include the following:</p> <ul style="list-style-type: none"> • Restriction of works and dredging; • Control of certain operations of works of statutory undertakers; • Licensing of works; • Licence to dredge; • Appeals in respect of works or dredging licences; and • Obstruction of works; 	<p>The provisions ensure that the Council will be aware of all works and dredging taking place in the Harbours and that it can require suitable safeguards to be put in place when they are being conducted. As such, the level 4 fine in article 45(4) and the level 3 fines in articles 46(5) and 50 for breach are considered appropriate and proportionate.</p> <p>In addition, where works are carried out without or in breach of the terms of a licence, the Council may require the works to be removed and the site restored to its former condition. If they / it is not, the power to do so itself and recover the cost from the person liable.</p>

<p>operations and works</p> <p>47</p> <p>Licensing of works</p> <p>48</p> <p>Licence to dredge</p> <p>49</p> <p>Appeals</p> <p>50</p> <p>Obstruction of works</p>	<p>These articles provide the Council with modern powers regarding works and dredging carried out by third parties within the Harbours. The provisions include requirements to obtain a licence from the Council prior to the undertaking of any works or dredging within the Harbours. The provisions are important to enable the Council to comply with its duties related to navigational safety, the Open Port Duty at Bristol City Docks, and in respect of the environment (in particular section 48A of the 1964 Act).</p>	<p>The provisions are important to enable the Council to comply with its duties related to navigational safety and in respect of the environment (in particular section 48A 1964 Act) by requiring third parties to seek authorisation from the Council by way of a licence (unless specifically authorised in accordance with article 45(3)).</p> <p>Article 49 provides an appeal procedure in respect of any refusal to grant a licence, the terms of any licence granted or any modifications requested by the Council. Aggrieved applicants are able to appeal to the Secretary of State. As such, it is considered that this article is justified.</p> <p>Applications are made in writing and the Council may charge a reasonable in respect of its administrative expenses for dealing with the application.</p> <p>Similar provisions can be found in articles 21 to 26 of the Cornwall Harbours Harbour Revision Order 2023, articles 8 to 10 of the Watchet Harbour Revision Order 2000 and article 7 of Lancaster Port Harbour Revision Order 2001.</p> <p>With regard to these provisions generally, paragraph 17 of Schedule 2 to the 1964 Act provides that a harbour revision order may include provision for:</p> <p><i>“Any object which, though not falling within any of the foregoing paragraphs, appears to the [MMO] to be one the achievement of which will conduce to the efficient functioning of the harbour.”</i></p>
<p>51</p> <p>Parking places and related facilities</p>	<p>This article provides that the Council may provide parking spaces and connected works within the Harbours.</p>	<p>This power has been expressly included because the Harbours include car parks which form part of the undertaking. Similar provisions can be found in article 27 of the Cornwall Harbours Harbour Revision Order 2023 and article 20 Penzance Harbour Revision Order 2009.</p> <p>The charging for such facilities is authorised by paragraph 11 of Schedule 2 to the 1964 Act:</p>

		<p><i>“Empowering the authority to levy at the harbour charges other than ship, passenger and goods dues or varying or abolishing charges (other than as aforesaid) levied by them at the harbour.”</i></p> <p>With regard to the provision of parking and related facilities generally, paragraph 17 of Schedule 2 to the 1964 Act provides that a harbour revision order may include provision for:</p> <p><i>“Any object which, though not falling within any of the foregoing paragraphs, appears to the [MMO] to be one the achievement of which will conduce to the efficient functioning of the harbour.”</i></p> <p>And, as such, it is considered that this article is justified.</p>
<p>52</p> <p>Removal of vehicles and vessels</p>	<p>This article authorises the Council to remove vehicles and vessels from the Harbours that have been left in a place where they will or are likely to interfere with the use of the Harbours or in any part of the Harbours where parking is prohibited.</p>	<p>This power is important in assisting the Council in managing efficiently traffic within the Harbours and ensuring compliance with the Open Port Duty (in relation to vessels) at Bristol City Docks. Similar provisions can be found in article 28 of the Cornwall Harbours Harbour Revision Order 2023, article 22 Folkestone Harbour Revision Order 2017 and article 21 Penzance Harbour Revision Order 2009.</p> <p>This article is also desirable in the interests of securing the improvement, maintenance or management of the Harbours in an efficient and economical manner or of facilitating the efficient and economic transport of goods or passengers by sea as required by section 14(2)(b) of the 1964 Act as the Council must be able to remove vehicles and vessels that contradict a prohibition notice (which must be conspicuously placed where appropriate) or that otherwise cause an obstruction or interfere with the use of the Harbours. It would not be consistent with section 14(2)(b) of the 1964 Act if the Council was not afforded this express power.</p> <p>The article also provides the Council with the “lawful authority” required under section 52(1) of Part 4 Chapter 2 of the Protection of Freedoms Act 2012, to remove vehicles, as the Council ought not commit an</p>

		<p>offence if it removes vehicles in such circumstances, for the reasons set out above.</p> <p>Finally, it is considered that the interests of people who aren't the Council and otherwise entitled to remove said vehicles are sufficiently safeguarded by the provisions of article 52(2) – (7).</p>
<p>53</p> <p>Power with respect of disposal of wrecks</p>	<p>This article extends the powers of the Council under section 252 of the Merchant Shipping Act 1995. In particular, it extends the circumstances in which the Council may recover expenses reasonably incurred by it in exercising said power from the owner of any such vessel. The provision includes notice requirements to the owner of the vessel and a period in which the vessel owner may dispose of the vessel itself.</p>	<p>This extension of the power in section 252 of the Merchant Shipping Act 1995 is common and important if the harbours are to be run in an efficient and economic manner.</p> <p>A similar power can be found under article 60 of the Cornwall Harbours Harbour Revision Order 2023, and article 39 of the Weymouth Harbour Revision Order 2021.</p>
<p>54</p> <p>Power to deal with unseviceable vessels</p>	<p>This article provides that the Council may sell, break up or otherwise dispose of any vessel which is unseviceable and had been laid by or neglected in the Harbours or immediately adjoining the Harbours.</p>	<p>This article applies in addition to the power under section 57 of the 1847 Act and allows the Council to recover its costs for the exercise of removing unseviceable vehicles laid or neglected with the Harbours.</p> <p>This article is desirable in the interests of securing the improvement, maintenance or management of the Harbours in an efficient and economical manner or of facilitating the efficient and economic transport of goods or passengers by sea as required by section 14(2)(b) of the 1964 Act.</p> <p>A similar power can be found under article 61 of the Cornwall Harbours Harbour Revision Order 2023 and article 40 of the Weymouth Harbour Revision Order 2021.</p>
<p>55</p> <p>Removal of obstructions other than vessels</p>	<p>This article provides that the Council may remove anything other than a vessel which is causing or likely to become an obstruction to, or cause interference with navigation in any part of the Harbours or their approaches. The provision deals with the recovery of costs by the Council of reasonable expenses incurred by it in relation to the exercise of the power and sale of the item(s) recovered.</p>	<p>This power is important in assisting the Council in meeting its duties with regard to navigational safety and the safety of harbour users, and important if the Harbours are to be run in an efficient and economic manner. Similar provisions can be found in article 62 of the Cornwall Harbours Harbour Revision Order 2023 and article 8 of the Portland Harbour Revision Order 1997.</p>

<p>56</p> <p>Provision against danger to navigation</p>	<p>This article provides that in the case of injury to, or the destruction or decay of, a tidal work (defined in article 2), the Council must notify Trinity House (the general lighthouse authority) as soon as practicable.</p>	<p>This article is important in ensuring the Council meets its duties with regards to navigational safety. This article puts on a statutory basis a requirement for the Council to notify Trinity House of an incident relating to tidal works. Under the Merchant Shipping Act 1995, Trinity House then has powers to direct the Council as appropriate in response to the injury, destruction or decay of a tidal work.</p> <p>This article is conducive to the efficient management of the Harbours as required under section 14(2)(b) of the 1964 Act.</p>
<p>57</p> <p>Notices</p>	<p>This article sets out the process for serving any notices required under the HRO.</p>	<p>This article is conducive to the efficient management of the Harbours as required under section 14(2)(b) of the 1964 Act, clearly setting out the procedural requirements for Notices required under the HRO.</p>
<p>58</p> <p>Saving for Trinity House</p>	<p>This article provides the standard saving provision for the rights of Trinity House.</p>	<p>No further justification required.</p>
<p>59</p> <p>Crown Rights</p>	<p>This article provides the standard saving provision for Crown Rights.</p>	<p>No further justification required.</p>
<p>60 to 69</p> <p>Amendments</p>	<p>These articles make minor amendments to the historic harbour legislation or alter how they are to be construed, insofar as they apply to the Harbours. These changes affect the following pieces of legislation:</p> <ul style="list-style-type: none"> • Bristol Dock Act 1848 • Portishead Docks Act 1871 • Bristol Docks and Railways Act 1901 • Bristol Corporation (Various Powers) Act 1914 • Bristol Corporation Act 1926 • Bristol Corporation Act 1951 • Bristol Corporation Act 1961 • Bristol Corporation (West Dock) Act 1971 • Bristol City Docks Harbour Revision Order 1995 	<p>For the reasons explained, the amendments are necessary to complete the process of modernisation of the local legislation applying to the statutory harbour authority in conjunction with the provisions of the HRO and the cessation of effect contained in article 70 and Schedule 3, and the repeals / revocations contained in article 71 and Schedule 4 to the HRO.</p>

	<ul style="list-style-type: none"> • Bristol City Docks (No. 2) Harbour Revision Order 1995 <p>Each alteration is incidental to the introduction of the HRO. For example, various references in the historic legislation to “the Port”, “the floating harbour”, “the dock undertaking” and “the City Docks” are to be read or construed as references to “the harbours” or “Bristol City Docks” as appropriate (and as defined under article 2(1)). Additionally, where appropriate, the definition of “vessel” has been updated so that it is consistent with the definition used in the HRO.</p>	
<p>70</p> <p>Cessation of Effect</p>	<p>This article provides for the cessation of effect of the local legislation listed in Schedule 3 referred to from the date of the HRO insofar as the legislation relates to the Harbours.</p>	<p>This HRO is being promoted in accordance with the PMSC’s recommendation for harbour authorities to review and be aware of existing powers based in local and national legislation, seeking additional powers where necessary. The cessation of effect set out in article 70 and the accompanying Schedule of local legislation are required in conjunction with this HRO to complete the process of modernising the local legislation applying to the Council, granting the suite of modern powers and duties set out above which are consistent with section 14(2)(b) of the 1964 Act and which will assist the Council in meeting the recommendations of the PMSC.</p> <p>The reason for needing to cause the legislation to cease to have effect (rather than for it to be repealed) is because of the extremely complicated statutory history relating to the Harbours. There is a significant volume of local harbour legislation still in force that relates not only to Bristol City Docks and Portishead Pier, but which also relates to and overlaps with other SHAs / harbour undertakings within the city of Bristol, including in particular that of the Bristol Port Company. There is also legislation which relates only to Bristol City Docks, only to Portishead Pier, both of them, and others. The current position is very complicated and it is not practicable to repeal parts of the legislation. It is considered that it is much clearer to disapply the legislation and cause it to cease to have effect insofar as its relates to Bristol City Docks and Portishead Pier.</p>

		To the extent specified in Schedule 3, the HRO disapplies certain local harbour legislation / causes it to cease to have effect in relation to the Harbours (i.e. Bristol City Docks and Portishead Pier), but it shall remain to have effect in relation to the Bristol Port Company in the same way as it currently does.
71 Revocation/ Repeal	This article provides for the repeal and revocation (as appropriate) of the local legislation listed in Schedule 4 referred to from the date of the HRO.	This HRO is being promoted in accordance with the PMSC's recommendation for harbour authorities to review and be aware of existing powers based in local and national legislation, seeking additional powers where necessary. The repeals set out in article 71 and the accompanying Schedule are required in conjunction with this HRO to complete the process of modernising the local legislation applying to the Council, granting the suite of modern powers and duties set out above which are consistent with section 14(2)(b) of the 1964 Act and which will assist the Council in meeting the recommendations of the PMSC.

Table 4: Relevant policies, guidance and plans

Plan, policy or guidance	<i>Demonstration that application is compliant with relevant plan, policy or guidance.</i>
<p>Relevant Marine Plan (or Marine Policy Statement if no plan or draft plan available)</p>	<p>The Harbours are situated within the South West Marine Plan Inshore Area. Once published, Marine Plans become a material consideration and as such, it is considered in this Statement of Support in addition to the UK Marine Policy Statement. The relevant marine plan applying therefore is the South West Inshore and South West Offshore Marine Plan, June 2021 (“the South West Marine Plan”).</p> <p>The HRO is a non-works HRO (i.e. it does not authorise a plan or project). Its provisions are focused on modernising the Council’s existing statutory powers to support the efficient and economical operation, maintenance, management and improvement of the Harbours. The HRO modernises the Council’s enforcement powers. The modernisation amends the process by which such enforcement provisions can be made, amended and repealed (general directions instead of / in addition to byelaws).</p> <p>The HRO also clarifies the existing harbour limits to expressly include the harbour premises removing uncertainty over the exercise of the Council’s enforcement powers above high water. The other provisions of the HRO are predominantly administrative (such as constitutional arrangements, financial, borrowing and charging powers; powers of development and disposal of land; and powers in relation to establishing advisory bodies, moorings, bunkering, dredging, and powers to deal with wrecks and vessels etc.). As such, it is expected that the effects of the HRO on the South West Marine Plan area will be very limited and that any effects will be positive as the HRO supports the economic and efficient management of the Harbours (including with respect to environmental considerations). A brief summary of compliance is nevertheless set out below.</p> <p>Compliance with UK Marine Policy Statement</p> <p>The UK Marine Policy Statement (‘MPS’) sets out (in section 2.1) that the UK vision for the marine environment is for <i>‘clean, healthy, safe, productive and biologically diverse oceans and seas.’</i> The core purpose of the HRO is to modernise the Council’s enforcement powers enabling it to keep its enforcement provisions under review and to update, amend and repeal them in a more timely and efficient manner than through byelaws. This will support the Council in ensuring it meets both its environmental duties under section 48A of the 1964 Act and compliance with the PMSC. Both of which will support the vision of ensuring that the marine environment is kept <i>‘clean, healthy, safe, productive and biologically diverse.’</i> The provisions of the HRO also support the following high-level objectives contained in the MPS:</p>

- (A) **Achieving a sustainable marine economy:** Marine businesses are acting in a way which respects environmental limits and is socially responsible.
- (B) **Ensuring a strong, healthy and just society:** The coast, seas, oceans and their resources are safe to use.
- (C) **Living within environmental limits:** Biodiversity is protected, conserved and where appropriate recovered and loss has been halted.
- (D) **Promoting Good Governance:** Marine businesses are subject to clear, timely, proportionate and, where appropriate, plan-led regulation.

Compliance with the South West Marine Plan

The South West Marine Plan was published in June 2021. Through its modernisation of the Council's statutory powers enabling the efficient and economic management of the Harbours and the activities that take place there, the HRO will support the following objectives contained in the South West Marine Plan:

- (a) **Objective 1:** Infrastructure is in place to support and promote safe, profitable and efficient marine businesses.
- (b) **Objective 2:** The marine environment and its resources are used to maximise sustainable activity, prosperity and opportunities for all, now and in the future.
- (c) **Objective 3:** Marine businesses are taking long-term strategic decisions and managing risks effectively.
- (d) **Objective 6:** The use of the marine environment is benefiting society as a whole, contributing to resilient and cohesive communities that can adapt to coastal erosion and flood risk, as well as contributing to physical and mental wellbeing.
- (e) **Objective 7:** The coast, seas, oceans and their resources are safe to use.

In addition, the HRO is supported by policy SW-PS-1, which expressly supports competitive and efficient harbour and shipping operations, recognising that *'ports and harbours are essential to realising economic and social benefits for the south west marine plan areas and the UK. SW-PS-1 makes sure that proposals do not restrict current port and harbour activity or future growth, enabling long-term strategic decisions, and supporting competitive and efficient port and shipping operations.'*

Insert other relevant plans/policy/guidance in this section	Port Marine Safety Code Please see our comments earlier in this Statement of Support relating to the PMSC (Table 3a).

Table 5: Any other relevant information

The applicant has carried out detailed pre-application consultation with the Bristol Port Company, particularly relating to the amendments, repeals and cessation of effect under the HRO.

In addition to the specific provisions of Schedule 2 to the 1964 Act, paragraph 17 of Schedule 2 provides that a harbour revision order may include provision for:

“Any object which, though not falling within any of the foregoing paragraphs, appears to the [MMO] to be one the achievement of which will conduce to the efficient functioning of the harbour.”

For the reasons mentioned above, it is considered that to the extent that any provision contained in the HRO does not fall specifically within any other paragraph of Schedule 2, the provisions of the HRO would be conducive to the efficient functioning of the harbours and it is therefore within the scope of the 1964 Act for them to be included in the HRO.