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STATUTORY INSTRUMENTS

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HARBOURS, DOCKS, PIERS AND FERRIES

Made - - - ***

Laid before Parliament ***

Coming into force - ***

PART 1

PRELIMINARY

1. Citation and commencement
2. Interpretation
3. Area of the harbour, etc.

PART 2
HARBOUR REGULATION
General and Special Directions

4. Power to make general directions as to use of harbour, etc.
5. Procedures for giving general directions
6. Publication of general directions
7. Special directions as to use of harbour, etc.
8. Failure to comply with directions
9. Enforcement of special directions
10. Master's responsibility in relation to directions

PART 3
WATER TAXIS

- 11. Restriction of harbour water taxi services
- 12. Licensing of harbour water taxi services
- 13. Further provisions as to licences
- 14. Appeals in respect of licences
- 15. Appeals procedure

PART 4
MISCELLANEOUS AND GENERAL

- 16. Harbour services and facilities
 - 17. Boarding of vessels
 - 18. Information for purpose of landing charges
 - 19. Obstruction of officers
 - 20. Crown Rights
 - 21. Saving for Trinity House
 - 22. Amendment of the 1951 Order
 - 23. Amendment of the 2002 Order
 - 24. Notices
 - 25. Revocation of Byelaws
-

The Lymington Harbour Commissioners have applied in accordance with section 14(2)(a) of the Harbours Act 1964 (“the Act”) for a harbour revision order under section 14 of the Act.

The Secretary of State, as the appropriate Minister for the purposes of that section, has by an order made under section 42A of the Act delegated the functions of the appropriate Minister under section 14 of the Act to the Marine Management Organisation.

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

PART I

PRELIMINARY

Citation and commencement

1.—(1) This Order may be cited as the Lymington Harbour Revision Order 201x and shall come into force on []201x

(2) The Lymington River and Harbour Order 1951, the Lymington Harbour Revision Order 1976, the Lymington Harbour Revision (Constitution) Order 2002 and this Order may be cited together as the Lymington Harbour Orders 1951 to 201x.

Interpretation

2.—(1) In this Order —

“the 1951 Order” means the Lymington River and Harbour Order 1951;

“the 1976 Order” means the Lymington Harbour Revision Order 1976;

“the 2002 Order” means the Lymington Harbour Revision (Constitution) Order 2002;

“the Commissioners” means the Lymington Harbour Commissioners;

“exempt vessel” means any vessel that has been in the harbour on one or more occasions prior to the 1st January 2013;

“general direction” means any direction given or proposed to be given under article 4;

“the harbour” means Lymington Harbour as comprised within the harbour limits

“the harbour limits” is defined in article 3 of this Order.

“the harbour map” means the map prepared in triplicate, signed by the Chief Executive Officer of the Marine Management Organisation and marked “Lymington Harbour Revision Order 200x, of which two copies have been deposited at the offices of the Marine Management Organisation and one copy has been deposited at the office of the Commissioners”

“the Harbour Master” means any person appointed as such by the Commissioners, and includes his deputies and assistants, and any other person for the time being authorised by the Commissioners to act, either generally or for a specific purpose, in the capacity of Harbour Master;

“the harbour premises” means the quays, piers, landing places and all other works, lands and buildings for the time being vested in, or occupied or administered by, the Commissioners as part of their harbour undertaking;

“personal watercraft” means any watercraft propelled by a water jet engine or other mechanical means of propulsion and steered either —

(a) by means of a handlebar operated linkage system (with or without a rudder at the stern);

- or
 - (b) by the person or persons riding the craft using his or their body weight for the purpose; or
 - (c) by a combination of the methods referred to respectively in (a) and (b) above;
- “LOA” means length overall.
- “special direction” means any direction given or proposed to be given under article 7;
- “Trinity House” means the Corporation of Trinity House of Deptford Strond;
- “vessel” means a ship, boat, raft or water craft of any description and includes non-displacement craft, personal water craft, seaplane and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily) and a hovercraft or any other amphibious vehicle, used or capable of being used as a means of transportation on water;
- “the level of high water” means the level of mean high water spring tides;
- “the level of low water” means the level of mean low water spring tides;
- “water taxi service” means a service of vessels provided for the primary purpose of carrying members of the public to, from or between locations within the harbour limits and vessels (whether moored, anchored or underway) within the harbour limits, being a service for which a fare is normally levied.
- “WGS84 means the World Geodetic System, revised in 1984 and further revised in 2004.

The Harbour Limits

3.—(1) The limits of the harbour within which the Commissioners shall exercise jurisdiction as a harbour authority and the powers of the Harbour Master may be exercised are –

- (a) From navigation mark ‘Jack in the Basket’ at 50 degrees 44.277’N 01 degrees 30.577’W; thence following an imaginary straight line in a north westerly direction to the Lymington and Pennington sea wall at 50 degrees 44.673’N 01 degrees 31.562’W; thence following the line of the high water mark upstream along the western bank of the river to the ‘Toll Bridge’ at 50 degrees 45.758’N 01 degrees 32.257’W; thence following the high water mark along the ‘Toll Bridge’ to the eastern bank of the river at 50 degrees 45.835’N 01 degrees 32.1065’W; thence following the line of the high water mark downstream along the eastern bank of the river to ‘Nash Point’ at 50 degrees 45.195’N 01 degrees 30.816’W; thence following an imaginary straight line to a position south east of the ‘Starting Platform’ at 50 degrees 44.359’N 01 degrees 30.313’W; thence following an imaginary straight line in a south westerly direction to ‘Jack in the Basket’ at 50 degrees 44.277’N 01 degrees 30.577’W., (all coordinates in degrees, minutes and decimals of minutes and based on WGS 84 datum) and also include-
- (b) The extent of those parts of the harbour premises not within that area.

(2) Article 21(1) (Limits of Harbour and Roads) of the 1951 Order is repealed and for the purposes of the Lymington Harbour Orders 1951 to 201x the limits within which the Commissioners have authority is the area the boundaries of which are described in this article and shown edged in blue on the harbour map together with so much of the harbour premises as are not situated within that area.

(3) In the event of any discrepancy between the description of the boundaries of the harbour referred to in this article and the boundaries shown on the harbour map the descriptions in question shall prevail over the harbour map

PART 2

HARBOUR REGULATION

General and special directions

Power to make general directions as to use of harbour, etc.

4.—(1) The Commissioners may, in accordance with the requirements of article 6, give or amend directions for the purpose of promoting or securing conditions conducive to the ease, convenience or safety of navigation, the safety of persons and the protection of property, flora and fauna in the harbour.

- (2) A direction under this article may apply—
- (a) to all vessels, to a class of vessels; or
 - (b) to persons designated in the direction; or
 - (c) to the whole of the harbour or to a part ; or
 - (d) at all times or at certain times or at certain states of the tide ;

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

(3) Without prejudice to the generality of the forgoing and notwithstanding anything in any statutory provision of local application a direction given under this article may prohibit entry into or movement in the harbour by a vessel or class of vessels (other than an exempt vessel or class of vessels where at least one vessel within that class is an exempt vessel) that exceeds either:

- (a) 55 metres LOA; or
- (b) 15 metres beam; or
- (c) 870 metric tonnes displacement

where such a prohibition is necessary for the purposes set out in paragraph (1)

- (4) The Commissioners may revoke a direction given under paragraph (1)

Procedure for giving, amending and revoking general directions

5.—(1) Subject to paragraph (7), if the Commissioners propose to give , amend or revoke a direction under article 5 (general directions), they must give notice in writing of the proposal to the Chamber of Shipping, the Lymington Harbour Advisory Group, Wightlink Ltd the Royal Yachting Association and to such other persons as they consider appropriate for the purposes of the application of this provision (in this article called “the designated consultees”);

- (a) consult with the designated consultees upon the proposal, including allowing a period of not less than 6 weeks from the date notice has been given by it to those consultees for each of them to make written representations to the Commissioners on the proposal;
- (b) have regard to any representations made by the designated consultees during that consultation;
- (c) give notice in writing to the designated consultees, following the consultation, as to whether the Commissioners propose to proceed with the proposal and, if so, specifying whether they are making any modifications to the proposal and their reasons for so doing; and
- (d) if the Commissioners propose to proceed to make or amend the direction and any of the designated consultees has made representations against the proposal, invite each designated consultee who has made such representations, within 28 days from the date of the notice given to him under sub-paragraph (d) or such longer period as may be specified in that notice, to confirm in writing if he maintains an objection to the proposal.

(2) Where the Commissioners have complied with the requirements of paragraph (1) in relation to a proposal, they may proceed with the proposal if:

- (a) none of the designated consultees have made representations against the proposal;
- (b) none of the designated consultees, having made representations against the proposal, give notice to the Commissioners under paragraph (1)(e) maintaining an objection to the proposal; or
- (c) an objection to the proposal has been maintained but the requirements specified in paragraph (3) have been complied with.

(3) Where any designated consultee has given notice to the Commissioners under paragraph (1)(e) that he maintains an objection to the proposal, the following procedure applies:

- (a) the issue must be referred to an independent person (the adjudicator) to be agreed between the Commissioners and each of the designated consultees maintaining an objection to the proposal or, failing agreement, appointed on the application of any such party by the President of the London Maritime Arbitrators Association;
- (b) the adjudicator must, so far as is reasonably practicable within three months of the referral, first provide a reasonable opportunity for each of the parties to make representations to or be heard by the adjudicator and then make a report in writing to the Commissioners with findings and reasoned recommendations on the issue, a copy of which must also be provided by the adjudicator to each of the other parties;
- (c) the Commissioners must decide whether to exercise the power to make or amend the direction having regard to the report and recommendations contained in the report of the adjudicator (but shall not be bound to give effect to the recommendations) and, once they have so decided, it must give notice in writing to the designated consultees of its decision and of the reasons for that decision.

(4) If the Commissioners wish to exercise the power to make or amend a direction in a form materially different from both the form notified to the parties under paragraph (1)(d) and that recommended by the adjudicator under paragraph (3)(b), they must proceed, unless the designated consultees otherwise agree in writing, as if the proposal is a new proposal to which paragraph (1) applies.

(5) Except as otherwise provided for in paragraph (3), an adjudicator appointed under that paragraph may determine the procedure for the making of representations and the conduct of any hearing under that paragraph.

(6) The costs incurred by the adjudicator and by each of the parties on any referral under paragraph (3) are to be paid by such one or more of the parties to the referral as the adjudicator may direct.

(7) Subject to paragraph (8) paragraphs (1) to (6) do not apply where the Commissioners propose in the interests of navigational safety to make or amend a direction applying to vessels or persons under article 4 (general directions to vessels):

- (a) in an emergency; or
- (b) for the purpose of making temporary provision for an intended activity or operation in the harbour which is expected to commence less than 4 months after the Commissioners are notified of or otherwise becomes aware of it and to last not more than 28 days and which the Commissioners consider it appropriate to make such provision, after taking into account other activities and operations in the harbour which may be affected by it.

- (8) Where pursuant to paragraph (7) the Commissioners proceed to make or amend or revoke a direction without complying with paragraphs (1) to (6), they must:
- (a) give notice of the direction or amendment as soon as is practicable to those persons who would otherwise have been designated consultees had paragraph (1)(a) applied; and
 - (b) if the Commissioners propose that—
 - (i) the direction or the amendment of a direction is to continue in force after the expiry of the period of three months from the date of that notice; or
 - (ii) in the case of the revocation of a direction, the revoked direction is not to be given again after the expiry of that period,apply procedures analogous to those specified in paragraphs (1)(b) to (e) and (2) to (6) to the proposal.

Publication of general directions

6.—(1) Notice of the giving of a general direction and of any amendment or revocation of a general direction shall, except in an emergency, be published by the Commissioners as soon as practicable once in a newspaper circulating in the locality of the harbour and, shall state a place at which copies of the direction, amendment or revocation may be inspected.

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

Special directions as to use of the harbour, etc.

7.—(1) The Harbour Master may give a direction for any of the purposes in subparagraphs (a) to (i) in respect of a vessel within the harbour limits or for any of the purposes in subparagraph (a) to a person or applying to all vessels or vessels of a particular class within the harbour limits,-

- (a) requiring compliance with a requirement made in or under —
 - (i) a general direction;
 - (ii) any provision of the Lymington Harbour Orders 1951 to 201x; or
 - (iii) any byelaw or other enactment of local application to the harbour or to the Commissioners;
- (b) regulating or requiring the movement, berthing, mooring or unmooring of the vessel:
- (c) requiring the removal from any part of the harbour of the vessel if —
 - (i) it is on fire;
 - (ii) it is in such condition as to be liable to become immobilised or waterlogged, or to sink, or to constitute a danger to life or property;
 - (iii) it is making an unlawful use of the harbour or interfering with the reasonable use or enjoyment of the harbour by other vessels or persons or the carrying on of business in the harbour;
 - (iv) its removal is necessary to enable maintenance or repair work to be carried out in the harbour or to premises adjacent to the harbour; or
 - (v) its removal is considered by the Harbour Master to be necessary in order to ensure the safety of persons or the protection of property, flora or fauna or of any part of the harbour referred to in paragraph (3);
- (d) regulating the loading, discharging, storing and safeguarding of the cargo, fuel,

water or stores of the vessel and the dispatch of its business at the harbour;

- (e) specifying the precautions to be taken in respect of apparatus, machinery and equipment;
- (f) regulating the speed of the vessel;
- (g) regulating the use of the motive power of the vessel;
- (h) prohibiting or restricting the use of fires or lights; or
- (i) as to the discharge or use of ballast.

(2) The Harbour Master may give a direction to a person who is within the harbour limits.

(3) A direction may be given in the interests of the conservation of any part of the harbour where that part has been designated, or otherwise has been given special protection or status, under any enactment by reason of its natural beauty, fauna, flora, or archaeological or geological or physiographical features or any other natural features.

(4) A direction may be given in any manner considered by the Harbour Master to be appropriate and must be addressed to the master where the direction is in respect of or applies to a vessel or vessels.

(5) Where a direction is given to a person or persons the Harbour Master must, whenever possible, specify a particular person or persons to whom the direction is addressed, either by name or by a description sufficient to enable the person or persons in question to be readily identified.

(6) The Harbour Master may revoke or amend a direction given under this article.

Failure to comply with directions

8.—(1) A person who fails to comply with a general direction or special direction shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(2) In any proceedings for an offence under paragraph 1 it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

Enforcement of special directions

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

(2) If there is no one on board a vessel to attend to a special direction, and after reasonable inquiry has been made the master cannot be found, the Harbour Master may proceed as if the direction had been given and not complied with.

(3) Expenses incurred by the Commissioners in the exercise of the powers conferred by paragraph (1) above shall be recoverable by it as if they were a charge of the Commissioners in respect of the vessel.

Master's responsibility in relation to directions

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

PART 3

WATER TAXIS

Restriction of harbour water taxi services

11.—(1) No person other than the Commissioners shall in the harbour operate a harbour water taxi service, or offer a vessel for use in the operation of a harbour water taxi service, unless he is licensed so to do by the Commissioners in pursuance of article 12, nor except upon the terms and conditions, if any, upon which the licence is granted pursuant to that article.

(2) Any person who contravenes this article shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Licensing of harbour water taxi services

12.—(1) The Commissioners may grant to any person a licence to operate a harbour water taxi service (in this and the following articles referred to as “a licence”) in any part of the harbour.

(2) The Commissioners shall not be required to issue a licence if in their reasonable opinion—

- (a) the provision of the service to which the licence application relates would give rise to the risk of congestion, obstruction or danger to navigation; or
- (b) a comparable service is already being provided, whether by some other person already licensed under this article, or by the Commissioners which, in the opinion of the Commissioners, adequately meets the needs of potential users;
- (c) the applicant is unsuitable to hold the licence, whether on account of misconduct by the applicant, any employee or agent of the applicant or (where the applicant is not an individual) by any person in control of or concerned with the management of the applicant, or for any other sufficient reason.

Further provisions as to licences

13.—(1) A licence may be granted pursuant to article 12 subject to such terms and conditions as the Commissioners think fit including (without prejudice to the generality of the foregoing) conditions—

- (a) as to the hours of operation of the harbour water taxi service (including requirements as regards frequency of service);
- (b) as to the fares levied by the licensed operator of the harbour water taxi service;
- (c) requiring the maintenance of a public liability insurance policy in relation to the vessels used for the purposes of the harbour water taxi service; and
- (d) for ensuring compliance with requirements made by or under any enactment relating to the harbour water taxi service or to the Commissioners, or to the harbour.

(2) A licence shall have effect for such period (which shall be specified in the licence) as the Commissioners may determine.

(3) An application for a licence—
(a) shall be made in writing to the Commissioners;
(b) shall include proposals for the hours of operation and the fares to be levied; and
(c) shall contain such information (including without prejudice to the generality of the foregoing information about the applicant and the vessels to be used), and shall be accompanied by such documents, as the Commissioners shall reasonably require.

(4) The Commissioners shall give notice to the applicant of their decision whether to grant the licence.

(5) If within three months from the date of the making of an application under paragraph (3) the Commissioners do not give notice under paragraph (4), they shall be deemed to have refused the application.

(6) The Commissioners may charge a reasonable fee for the grant of a licence.

(7) If the Commissioners refuse to grant a licence which has been applied for they shall give reasons in writing for their refusal.

(8) If the Commissioners grant a licence upon terms or conditions, they shall give reasons in writing for the terms and conditions imposed or the modifications required.

Appeals in respect of licences

- 14.—**(1) If-
- (a) the Commissioners have refused to grant a licence pursuant to article 12 and the applicant for the licence is aggrieved by the refusal; or
 - (b) the Commissioners have granted a licence upon terms or conditions, and
 - (c) the applicant is aggrieved by the Commissioners' decision as to such terms or conditions,

the applicant may appeal in accordance with the provisions of article 15.

Appeals procedure

15.—(1) Where an applicant wishes to appeal pursuant to article 14 he must serve notice on the Commissioners within 28 days of the date upon which the Commissioners refused (or were deemed to have refused) to grant the licence, or granted it upon terms and conditions.

(2) Upon receipt of a notice of appeal received under paragraph (1) the Commissioners must refer the determination of the appeal to an independent person (the adjudicator) to be agreed between the Commissioners and the applicant or, failing agreement, appointed on the application of any such party by the President of the London Maritime Arbitrators Association;

(3) The adjudicator must, so far as is reasonably practicable within 28 days of the referral, first provide a reasonable opportunity for each of the parties to make representations to or be heard by the adjudicator and then make a report in writing to the Commissioners with findings and reasoned recommendations on whether the licence should be granted and, if so, on what terms, a copy of which must also be provided by the adjudicator to the applicant.

(4) The Commissioners must decide whether to act in accordance with the report and recommendations contained in the report of the adjudicator (but shall not be bound to give effect to the recommendations) and, once they have so decided, it must give notice in writing to the applicant of its decision and of the reasons for that decision.

(5) The costs incurred by the adjudicator and by each of the parties on any referral under paragraph (2) are to be paid by such one or more of the parties to the referral as the adjudicator may direct.

PART 4

MISCELLANEOUS AND GENERAL

Harbour services and facilities

16.—(1) The Commissioners shall have the power to provide, maintain, operate and improve such harbour services and facilities in, or in the vicinity of, the harbour as they may consider necessary or desirable and to take such action as they consider incidental to the provision of such services and facilities.

(2) No other provisions of the Lymington Harbour Revision Orders 1951 to 201x shall prejudice or derogate from the generality of paragraph (1).

Boarding of vessels

17.—Any duly authorised officer of the Commissioners may, on producing written authority signed by the Harbour Master, enter and inspect a vessel in the harbour —

- (a) for the purposes of any enactment relating to the Commissioners or of any byelaw of the Commissioners or any general or special direction, including the enforcement thereof;
- (b) to prevent or extinguish fire; or
- (c) to prevent flooding or sinking.

but, except in an emergency, no entry shall be made under this article without notice (being not less than 24 hours) first having been given to the owner or the person appearing to have charge of the vessel; and the notice shall have annexed to it a copy of this article.

Information for purpose of landing charges

18.—(1) When any passengers are embarked on or disembarked from or cargo loaded onto or unloaded from a vessel within the harbour the owner or master of the vessel if required to do so by the Commissioners shall provide to the Commissioners in writing details of the number of persons embarking on or disembarking from the vessel and the weight, quantity, volume and composition of cargo being loaded onto or unloaded from the vessel so as to enable the Commissioners to determine whether any of the Commissioners' published landing fees or other charges are payable in respect of those persons or cargo in accordance with section 26(2) of the Harbours Act 1964 or other legislation applicable to the harbour.

(2) A requirement made under paragraph (1) may apply to a single vessel movement or (in the case of a vessel which habitually uses the harbour) to every occasion upon which the vessel arrives at or departs from the harbour.

(3) The owner or master of a vessel in respect of which a requirement is made under paragraph (1) shall provide the details so requested within such period (being not less than 24 hours) after the arrival or as the case may be the departure of the vessel as may be specified by the Commissioners.

(4) Paragraph (1) shall not apply in relation to non-commercial vessels occupying moorings within the harbour under licences granted by the Commissioners, or to vessels paying visitor berthing rates to the Commissioners.

(5) For the purposes of paragraph (4) “non commercial vessel” means any vessel used for sport or recreation other than a vessel which is carrying, or is available to carry, members of the general public for hire or reward.

(6) Any person who without reasonable excuse fails to comply with any requirement made under paragraph (1), or who in compliance with such a requirement provides any information which he knows to be false, or recklessly provides information which is false in any material particular, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Obstruction of officers

19.—(1) Any person who —

- (a) intentionally obstructs or threatens the Harbour Master or a member of his staff acting in pursuance of the performance of his functions; or
- (b) without reasonable excuse fails to give such an officer any information (including his name and address) which the officer may require for the purpose of the performance of his functions,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(2) Any person who in giving such information makes a statement which he knows to be false shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Crown Rights

20.—(1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and, in particular and without prejudice to the generality of the foregoing, nothing in this Order shall authorise any person to take, use, enter upon or in any manner interfere with, any land or hereditaments or any rights of whatsoever description (including any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary) —

- (a) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners, without the consent in writing of those Commissioners; or
- (b) belonging to a government department, or held in trust for Her Majesty for the purposes of a government department, without the consent in writing of that government department.

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

Saving for Trinity House

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

Amendment of the 1951 Order

22.—(1) The 1951 Order (as amended by the 1976 Order) shall be amended as follows.

(2) In Article 52, for the expression “Fifty thousand pounds or a sum not exceeding the estimated income of the Commissioners for the next financial year, whichever is the greater” there shall be substituted the expression “a sum not exceeding six times the estimated income of the Commissioners for the next financial year”

(3) In Article 61(3), for the expression “five pounds” there shall be substituted the expression “Level 4 on the standard scale”.

Amendment of the 2002 Order

23.—(1) The 2002 Order shall be amended as follows.

(2) In Article 14, for the expression “two hundred thousand pounds” there shall be substituted the expression “thirty per cent of the gross revenue of the Commissioners in the financial year immediately preceding the date of borrowing”.

(3) Article 15 shall be repealed in its entirety.

Notices

24.—(1) Without prejudice to the discretion of the Harbour Master under article 7(4) and subject to the following provisions of this article a notice or other documents to be served for the purposes of this Order, or any direction given under this Order, must be in writing and may be served by post.

(2) Where the person on whom a notice or other document to be served for the purposes of this Order is a body corporate, the notice or document is duly served if it is served on the secretary or clerk of that body.

(3) Where a person on whom a notice or other document is to be served has agreed in writing that service may be by email, or other electronic means, the Commissioners may employ this method of service until such time as the person informs them in writing that he is no longer willing to receive notices or documents by email or by other electronic means.

(4) For the purposes of section 7 of the Interpretation Act 1978^(a) as it applies for the purposes of this article, the proper address of any person in relation to the service on him of a notice or document under paragraph (1) is, if he has given an address for service, that address, and otherwise—

- (a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body; and
- (b) in any other case, his last known address at the time of service.

(5) Where for the purposes of this Order a notice or other document is required or authorised to be served on a person whose name and address cannot be ascertained after reasonable inquiry—

- (a) in the case of a notice or document to be served on any person as having an interest on, or as the occupier of, any land, it may be served by —
 - (i) addressing it to him by name or by the description of “owner”, or as the case may be “occupier”, of the land (describing it); and
 - (ii) either leaving it in the hands of a person who is or appears to be resident or

^(a) 1978 c.30.

employed on the land or leaving it conspicuously affixed to some building or object on or near the land;

- (b) in the case of a notice or document relating to a vessel (including a wreck), it may be served by exhibiting it in a conspicuous position on or near the vessel, or handed to a member of the crew, unless it would not be reasonably practicable to exhibit the notice or document in this manner, or if the notice or document would not be likely to be seen if it were so exhibited; and
- (c) in the case of any other notice or document or a notice or document that is not capable of being served pursuant to paragraph 5(b) it may be served by displaying it at the office of the Harbour Master while it is in force.

(6) This article shall not be taken to exclude the employment of service by any other means.

Revocation of Byelaws

25.—(1) The Commissioners may from time to time make byelaws for the revocation of byelaws made under the 1951 Order and under all other powers them enabling in accordance with the procedure set out in this article rather than the procedure to which those previously made byelaws were subject..

(2) Byelaws made under this article must be made under the common seal of the Commissioners, and shall not have effect until the requirements of this article have been satisfied.

(3) Upon the byelaws having been made, notice of the same shall be given in one or more local newspapers circulating in the area to which the byelaws apply.

(4) For at least one month after the making of byelaws, a copy of the byelaws shall be deposited at the offices of the Commissioners and shall at all reasonable hours be open to public inspection without payment.

(5) The Commissioners shall have regard to all representations received during the period when the byelaws have been made available for public consultation, in order to decide whether to confirm the Byelaws, with or without amendments.

(6) A copy of the byelaws, when confirmed by the Commissioners, shall be printed and deposited at the offices of the Commissioners, and shall at all reasonable hours be open for public inspection without payment.

Signed by authority of the Marine Management Organisation

[Date]

An authorised member of the Marine Management Organisation

[Signed]