

MARINE MANAGEMENT ORGANISATION
HARBOURS ACT 1964 (AS AMENDED)

PROPOSED ST MARY'S (ISLES OF SCILLY)
HARBOUR REVISION ORDER 201[]

STATEMENT IN SUPPORT OF APPLICATION

FOR ORDER BY:

HIS ROYAL HIGHNESS CHARLES PHILIP ARTHUR GEORGE
PRINCE OF WALES DUKE OF CORNWALL AND ROTHESAY EARL
OF CHESTER AND CARRICK BARON OF RENFREW LORD OF THE
ISLES AND GREAT STEWARD OF SCOTLAND

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1. INTRODUCTION

- 1.1. This statement relates to the application by His Royal Highness Charles Philip Arthur George Prince of Wales Duke of Cornwall and Rothesay Earl of Chester and Carrick Baron of Renfrew Lord of the Isles and Great Steward of Scotland for the proposed St Mary's (Isles of Scilly) Harbour Revision Order 201[] ("the HRO"). His Royal Highness Charles Philip Arthur George Prince of Wales Duke of Cornwall and Rothesay Earl of Chester and Carrick Baron of Renfrew Lord of the Isles and Great Steward of Scotland as the personage for the time being entitled to the Duchy of Cornwall is the statutory harbour authority for St Mary's Harbour.
- 1.2. The application, made in a letter to the Marine Management Organisation ("the MMO") dated 14 April 2015, is accompanied by:
- (a) 6 copies of the draft HRO;
 - (b) 6 copies of the plan to be annexed to the HRO;
 - (c) This statement; and
 - (d) The fee for the application, by cheque, in the sum of £4,000.00; and
 - (e) The draft Strategic Harbour Plan (a supporting document)
 - (f) Copies of the:
 - (i) St Mary's (Scilly) Pier Order 1890 confirmed by the Pier and Harbour Confirmation (No. 4) Act 1890 ("1890 Order").
 - (ii) Isles of Scilly (Pilotage) Harbour Revision Order 1988 ("the Order of 1988").
 - (iii) St Mary's (Isles of Scilly) Harbour Revision Order 2007 ("the Order of 2007").
- 1.3. The application is for a harbour revision order to be made under the powers conferred on the Secretary State for Transport by section 14 of the Harbours Act 1964 which are delegated to the MMO by the Harbours Act 1964 (Delegation of Functions) Order 2010 (S.I. 2010/674)).
- 1.4. This application is made following pre-application consultation. The pre-application consultation which has taken place is summarised in section 8 of this Statement of Support.
- 1.5. The HRO would transfer the statutory harbour authority to a newly constituted body (a Board of Commissioners) and have the effect of making St Mary's Harbour a Trust Port. In addition it would confer further modernised powers on the new Commissioners considered conducive to the efficient and economical operation, maintenance, management and improvement of St Mary's Harbour and extend the harbour limits. In particular, the HRO would confer powers on the new Commissioners to give general directions to vessels using St Mary's Harbour, together with powers exercisable by the harbour master appointed by the Commissioners to give special directions. These powers are required to support the effective management of the vessels using St Mary's Harbour, as recommended in the Port Marine Safety Code.

- 1.6. To the extent that any articles of the proposed HRO refer to the imposition of fines, these may require amendment during the HRO application process in the light of proposed national legislation currently under consideration relating to standard level fines.

2. ST MARY'S STATUTORY HARBOUR AUTHORITY

- 2.1. St Mary's Harbour ("the Harbour") is currently classed by the Department for Transport ("DfT") as a private port. The 1890 Order provided for the Statutory Harbour Authority ("SHA") powers to vest in a single person (originally Thomas Dorrien Smith), now the Duke of Cornwall. The freehold of the Harbour infrastructure is held as part of the Duchy of Cornwall estate. For ease of reference the Duke of Cornwall and the Duchy of Cornwall Estate in the exercise of the SHA function at St Mary's Harbour are referred to collectively as 'the Authority' throughout this Statement of Support. The Authority is governed by its own local legislation collectively known as the St Mary's Harbour Acts and Orders 1890 to 2007. The Authority is responsible for the administration, maintenance and improvement of the Harbour which is more fully described in section 3 below.
- 2.2. The Authority is also the Competent Harbour Authority under the Pilotage Act 1987 and is the Local Lighthouse Authority for the Harbour and surrounding area.
- 2.3. Every year the Authority takes responsibility for approximately 100,000 passengers travelling through the Harbour, as well as in excess of 40 cruise ship visits and approximately 13,000 – 32,000 tonnes of freight. In so doing, the Authority observes industry standards set out in Government guidelines.
- 2.4. The Authority is committed to complying with the principles of the various codes and reports applying to the industry except where not relevant to the Authority's constitution.

3. ST MARY'S HARBOUR

- 3.1. For many years the Harbour has not only provided a refuge and leisure facility, but also a crucial transport link and gateway for the vast majority of the Islands' freight. The Harbour is of vital strategic importance to the Islands.
- 3.2. The Harbour is located at St Mary's Island on the Isles of Scilly. The area of water currently within the jurisdiction of the Harbour Authority totals approximately 40.5 hectares. The Harbour has limited dry 'real estate', which largely consists of St Mary's Quay.
- 3.3. The proposed new harbour limits under the HRO are set out in the plan annexed to the HRO. This encompasses all of the land, including land covered by water, currently within the harbour limits (as defined by s2 1890 Order) and some additional land (including land covered by water) necessary for operational harbour purposes (e.g. provision of moorings, management of safety in the Harbour etc.).

- 3.4. In addition the proposals regarding the transfer of assets, financial provisions, long lease arrangements including the harbour and some additional land to the newly constituted Trust Port are set out in the draft Strategic Harbour Plan which accompanies the Harbour Revision Order application as a supporting document.

4. THE PORT MARINE SAFETY CODE

- 4.1. As the harbour authority for St Mary's Harbour the Port Marine Safety Code published by the Department for Transport in October 2009 ("the Code") applies to the Authority as well as to all harbour authorities in the UK that have statutory powers and duties. The Introduction to the Code explains that the Code:

"establishes the principle of a national standard for every aspect of port marine safety, and aims to enhance safety for those who use or work in ports, their ships, passengers and the environment. It applies to port marine operations the well-established principles of risk assessment and safety management systems. It provides a measure by which harbour authorities can be accountable for the legal powers and duties which they have to run their harbours safely and help to discharge their obligations effectively"

- 4.2. The Code identifies a number of matters which harbour authorities must do in order to comply with the Code 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 3.4 of the Code states *"Harbour Authorities would be well advised to secure powers of general direction to support the effective management of vessels in their harbour waters, if they do not have them already"*.

5. THE HARBOURS ACT 1964

5.1. Section 14 of the Harbours Act 1964 (“the 1964 Act”) confers powers which have been devolved to the MMO (see paragraph 1.3 above) 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.

5.2. 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”.

5.3. 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.

5.4. The 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 a harbour which is 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 the harbour; and

(ii) The making of the HRO is desirable in the interests of securing the improvement, maintenance or management of the harbour in an efficient and economical manner.

5.5. Paragraph 1 of Schedule 2 to the 1964 Act provides that a harbour revision order may include provision for *“Reconstituting the harbour authority by whom the harbour is being improved, maintained or managed or altering their constitution, or establishing, as the harbour authority, in lieu of the existing one, an existing body designated in that behalf or a body constituted for the purpose”.*

6. NEED AND JUSTIFICATION FOR HRO

A. GENERAL

- 6.1. The proposed HRO would reconstitute the SHA at St Mary's Harbour as a Trust Port, extend the harbour limits and modernise and extend the powers of the SHA considered conducive to the efficient and economical operation, improvement, maintenance or management of the Harbour.
- 6.2. As a Trust Port any surpluses (after all duties are discharged) generated by the operation of the harbour must be reinvested in the harbour or used for the benefit of its stakeholders. Under the existing regime any surplus income can be retained by the Duke of Cornwall.
- 6.3. The 1890 Order provided for the Statutory Harbour Authority (SHA) powers to vest in a single person (originally Thomas Dorrien Smith), now the Duke of Cornwall. The HRO would reconstitute the SHA at St Mary's Harbour as a Trust Port. The provisions in Articles 5 – 15 and Schedule 1 set out the constitutional arrangements for the new Trust Port, which are similar to many other Trust Ports and accord with Modernising Trust Ports (second edition) ('MTP 2'). The new Trust Port Board of Commissioners will be selected on the basis of their relevant knowledge and experience and the HRO would also put the Harbour's consultative mechanisms on a statutory basis and, in line with the Companies Act 2006, provide for meetings to be able to take place by electronic means.
- 6.4. The extended harbour limits would be conducive to the efficient management of the harbour. They would extend the harbour limits to include the water near Porthloo Slip (which is a boatyard and slipway which will form part of the long lease arrangements to the Trust Port). They would also extend the harbour limits further out to allow for the 23m extension of the quay which is currently taking place and associated manoeuvring required by vessels. In addition a small amount of additional land necessary for operational harbour purposes would be included.
- 6.5. It is considered that it is desirable in the interests of securing the improvement, maintenance or management of the harbour in an efficient and economical manner that the Trust Port is provided with a set of modern flexible statutory powers contained within the proposed HRO and that the 1890 Order (which contains most of the Authority's current powers) is repealed in its entirety due to the fact that the 1890 Order is 125 years old and the language and provisions it contains do not fully accord with current best practice and the ownership, demography and governance of the Isles of Scilly has changed considerably in that time.
- 6.6. The modernised and additional powers include powers reflective of those contained in modern HROs. Other HRO's which contain some similar provisions include the Portland Harbour Revision Order 1997, 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 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.
- 6.7. 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.

6.8. Articles 1 and 2 are not dealt with below since they are ancillary to the substantive provisions of the HRO.

B. ARTICLES 3 - 4: PRELIMINARY

6.9. Article 3 of the Order – Incorporation of the Commissioners Clauses Act 1847

6.9.1. This article incorporates a limited number of the sections of said Act in relation to:

- a) The quorum of Commissioners.
- b) The Commissioners may provide and set up offices.
- c) Power for the Commissioners to enter into contracts; conveyance of lands and how they may deal with breach of contracts.
- d) Commissioners not to be individually liable for acts done as Commissioners; indemnifies Commissioners for acts done in the execution of their office.
- e) Actions by or against Commissioners and how they may be executed. Execution of actions against Commissioners not to be levied against their personal lands or goods. Commissioners to be reimbursed for legal actions carried out on behalf of the board of Commissioners and Commissioners.
- f) How indictments may be dealt with.
- g) Commissioners may appoint clerks and other officers.
- h) Collection of monies on behalf of the Commissioners, how it shall be paid over and accounted for, penalties for failure to account etc.
- i) Power to make byelaws for regulating conduct of officers of Commissioners and fines for breach.
- j) Service of notice on Commissioners and notices by advertisement.

6.10. Article 4 of the Order – Incorporation of the Harbour Docks and Piers Clauses Act 1847

6.10.1. This article incorporates the said Act except in relation to the sections listed as being excepted. Those sections included predominantly relate to:

- a) Rates (sections 27, 29 – 31 and 33).
- b) Collection of rates (sections 34 – 41 and 43 - 46).
- c) Harbour, dock and pier master (sections 51 - 65).
- d) Discharge of cargoes and removal of goods (sections 66 and 68).
- e) Protection of the harbour, dock and pier (sections 69, 71 - 76).
- f) Lighthouses, beacons and buoys (sections 77 – 78).
- g) Harbour and dock police (sections 79 – 80).
- h) Meters and weighers (sections 81 – 82).
- i) Byelaws (sections 85 – 90).
- j) Recovery of damages and penalties (sections 94 – 95).
- k) Access to special Act (sections 97 – 98).
- l) Saving of rights (sections 99, 100, 102 and 103).

C. ARTICLES 5 – 15: CONSTITUTION

6.11. Article 5 of the Order – Transfer of Jurisdiction

- 6.11.1. Article 5 expressly transfers the harbour authority jurisdiction from the current SHA (the personage for the time being entitled to the Duchy of Cornwall) to the Commissioners of the new Trust Port.
- 6.11.2. This transfer of jurisdiction would impliedly occur on the new constitution date, in line with the provisions of the HRO and the repeal of the 1890 Order. However for purposes of clarity, the transfer is expressly stated in Article 5.

6.12. Article 6 of the Order – Constitution of First Commissioners

- 6.12.1. This article deals with transitional arrangements which apply to the initial constitution of the Board of Commissioners and provides for a Board (including the chief executive and Chairman) of between 8 -10. However, the Board will be properly constituted at 7, with a Quorum of 5. There is a power to co-opt two further Commissioners for a period not exceeding 12 months. Commissioners will not be able to serve for more than three consecutive three year terms, but after a break from the Board could apply to become a Commissioner again. The provision has been drafted in this way as it accords with MTP2 and similar constitutional arrangements at other Trust Ports. In addition the arrangements are reflective of pre-application consultation responses received by the applicant.
- 6.12.2. The initial Board (apart from the Duchy of Cornwall Commissioner) will be appointed by the Interim Selection Committee which will consist of the current Harbour Master, the designate interim chairman and a member of the current Harbour User Group selected by the Current Harbour Master and Interim Chairman. It is considered that structured in this way, the Interim Selection Committee will have good knowledge of Trust Ports, St Mary's Harbour and specific knowledge of the local context within which St Mary's Harbour operates. As such the Committee, will be well qualified to select the first Board of Commissioners. Commissioner positions will be widely advertised and a full and open selection process will take place.
- 6.12.3. In line with MTP2 there will be no right for any party to nominate to the Board on an ongoing basis. However, to provide continuity in the early years, the provision includes a right for the Duchy of Cornwall to nominate a person to the first Board of Commissioners (for an initial 4 year appointment). The Duchy appointed Commissioner will have to meet the same selection criteria as any other appointed Commissioner. After the initial 4 year period, this right will cease.
- 6.12.4. In line with the Companies Act 2006, Commissioners will be able to attend Board Meetings either in person or remotely (e.g. video or teleconference), which should help alleviate any issues caused by bad weather and reduce costs should any Commissioners be based on the mainland.
- 6.12.5. Article 6(2) (by reference to Article 7(2)) and Article 6(3)) details the skills, competencies, knowledge, experience or ability requirements for persons which may be suitable to be appointed as Commissioners. The selection criteria broadly accord with MTP2, and are reflective of the requirement for at least three of the Commissioners to have a specific knowledge of the local context within which St Mary's Harbour operates. As a small Island Community this is considered particularly important.

6.12.6. Article 6(4) requires the Interim Selection Committee and the Duchy of Cornwall to have regard to any relevant guidance issued by the Secretary of State.

6.13. Article 7 of the Order – Constitution of subsequent Commissioners

6.13.1. This article lays out the future constitution of the Board after the appointment of the first Board of Commissioners. It is broadly similar to the provisions laid out in Article 6, except that there will be no Duchy of Cornwall nominated Commissioner and all future appointments to the Board will be made by the Board of Commissioners. In addition, to allow for the fact that in the future the roles of harbour master and chief executive officer may be filled by two separate people, there is provision for both the harbour master and the chief executive to have positions on the Board.

6.13.2. Article 7(2) details the skills, competencies, knowledge, experience or ability requirements for persons which may be suitable to be appointed as Commissioners.

6.14. Article 8 of the Order – Appointment and terms of office of first Commissioners.

6.14.1. Article 8(1) provides for the appointment of the Interim Chairman and of the current Harbour Master as the first harbour master and chief executive of the Commissioners at the new constitution date.

6.14.2. Article 8(2)(a) provides that the Interim Chairman will hold office for a period of one year from the new constitution date. At the end of this one year term, the new Board of Commissioners will be established and sufficiently experienced to choose its own chairman from amongst the Commissioners. They are free to reappoint the Interim Chairman if they so wish.

6.14.3. Article 8(2)(c) - (d) and 8(3) provides that the term of office of the first Commissioners will be between two and four years. This is to stagger the turnover or reappointment of Commissioners on the Board in its early years, thereby providing stability and continuity.

6.15. Article 9 of the Order – Terms of office of subsequent Commissioners.

6.15.1. This article provides for the term of office of a Commissioner for a period not exceeding three years, unless the Commissioner has been appointed to fill a casual vacancy.

6.16. Article 10 of the Order – Casual vacancies

6.16.1. This article sets out the process for filling casual vacancies as and when they occur.

6.17. Article 11 of the Order – Power to co-opt Commissioners

6.17.1. This article provides a power to co-opt no more than two persons to act as additional Commissioners for a period not exceeding 12 months. This power will enable the Commissioners to have sufficient flexibility to bring additional expertise to the Board in anticipation of, or in reaction, to any given set of circumstances or a project they wish to undertake.

6.18. Article 12 of the Order – Declaration by Commissioners

6.18.1. This article requires that each Commissioner must, before his or her appointment takes effect, sign a declaration in respect of the discharge of the duties of a Commissioner and disclose any relevant interest.

6.19. Article 13 of the Order – Disqualification

6.19.1. This article deals with the circumstances in which a Commissioner may be disqualified from acting as a Commissioner.

6.20. Article 14 of the Order – Indemnity Insurance for Commissioners

6.20.1. This article provides the power for the Commissioners to obtain indemnity insurance to indemnify the Commissioners jointly and severally against personal liability arising from acts or omissions of any of them in carrying out their functions.

6.21. Article 15 of the Order – Incidental provisions relating to Commissioners

6.21.1. Schedule 1 sets out the board procedures for meetings, appointment of a deputy chair, resignation of commissioners, vacation of office, frequency of meetings, quorum, meetings by electronic means and re-appointment of Commissioners.

D. Articles 16 – 19: FINANCES

6.22. Article 16 of the Order – Power to borrow

6.22.1. This article provides that the Commissioners may borrow such sums of money as they think necessary for the purposes of meeting their obligations in carrying out their functions and that they may secure such borrowing against their assets and or revenues.

6.22.2. The article reflects modern statutory harbour borrowing powers as can be seen in the powers conferred by article 9 of the Dover Harbour Revision Order 2014.

6.22.3. There is no need to place a limit on the amount of money which can be borrowed by the Commissioners, because, in reality their borrowings will be limited by the amount a

lender is prepared to loan to them. In addition the unlimited borrowing power will avoid the requirement for an HRO at a future date to extend borrowing powers as the value of money decreases as a result of inflation.

Article 17 of the Order – Reserve fund

6.22.4. This article provides that the Commissioners may establish and maintain reserve funds and carry to such a fund any part of their receipts on revenue account as is available for the purpose.

6.22.5. Article 17 is authorised by paragraph 13 of Schedule 2:

“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.”

6.22.6. It is an essential part of prudent financial management that the Commissioners should have the power to maintain reserve funds to enable the Board to plan for future expenditure. While the Authority already has implied powers to maintain reserves, and the Commissioners would have the same implied powers, in the interests of clarity it is desirable that these should be set out expressly.

6.23. Article 18 of the Order - Payment of subscriptions, etc.

6.23.1. This article provides that the Commissioners may pay or make reasonable subscriptions, payments or donations to the funds of such associations, public institutions or charities as the Commissioners think fit.

6.23.2. In line with paragraph 1.4.3 of MTP2, Article 18 would enable the Authority to play a full role in the local community by making reasonable contributions to charitable or public causes. Making such contributions promotes a close and general relationship of the Harbour with the local community, increases goodwill and gains the support for Harbour projects by the community which is key to facilitating the efficient functioning of the Harbour.

6.23.3. Similar powers to those in article 18 were conferred on the Poole Harbour Commissioners by article 49 of the Poole Harbour Revision Order 2012 and the Dover Harbour Board by article 12 of the Dover Harbour Revision Order 2014.

6.23.4. It is considered that Article 18 is authorised by paragraph 17 of Schedule 2 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 harbour. The case for this is set out as an integral part of the justification for this article.

6.24. Article 19 of the Order – Publication of Commissioners Annual Report and Statement of Accounts

6.24.1. This article provides that the Commissioners shall make available a copy of their annual report and statement of accounts (as soon as reasonably practicable after they are prepared) in their offices for a period of three months free of charge. In addition they are required to provide to any person a copy of the annual report and accounts on payment of a reasonable sum. This negates the need for persons to attend the offices of the Commissioners to view the annual report and statement of accounts if they do not wish to do so.

6.24.2. Under section 42 1964 Act, the Commissioners are already statutorily required to prepare an annual statement of accounts and a report on the matters disclosed by them and to submit both to the Secretary of State. This is done through submission to the Department for Transport.

6.24.3. Article 19 sets out the minimum standard which the Commissioners will be expected to meet. In complying with the principles in MTP2 and the Strategic Harbour Plan which the Commissioners are to be statutorily required to review and update (see article 37) it is expected that the Commissioners will also publish their annual report and statement of accounts on the harbour website and to distribute it to key stakeholders such as the Advisory Group. It is therefore considered unnecessarily restrictive to set out in detail the additional procedures the Commissioners must follow with regards to public access to its annual report and statement of accounts.

E. Articles 20 – 28: CHARGES

6.25. The articles contained within Part 4 of the HRO (Charges) set out the Commissioners' powers with respect to charges they may levy. They are reflective of modern statutory harbour powers relating to charges and conducive to the improvement, maintenance or management of the harbour in an efficient and economical manner. A similar suite of powers conferred has been conferred on the Poole Harbour Commissioners in articles 29 - 37 of the Poole Harbour Revision Order 2012.

6.26. Article 20 of the Order – Charges for services or facilities

6.26.1. This article provides that in addition to ship, passenger and goods dues under section 26 1964 Act, the Commissioners may demand, take and recover reasonable charges for services provide by them.

6.27. Article 21 of the Order – Payment of charges

6.27.1. This article provides that charges are payable before the vessel or goods against which they are payable are removed from the harbour or harbour premises. It also sets out who charges are payable by and who they can be recovered from and when.

6.28. Article 22 of the Order – Compounding Arrangements and rebates

6.28.1. This article provides the Commissioners 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 Commissioners do not have to include on its list of ship, passenger and goods dues kept at the harbour office, charges which have been reduced by a rebate or a compounding arrangement in respect of a due included on the list.

6.29. Article 23 of the Order – Deposits for charges

6.29.1. This article provides that the Commissioners may require from a person who incurs or is about to incur a charge with them, a reasonable deposit or guarantee. It also provides the Commissioners with the power to detain a relevant vessel or goods until the deposit has been paid or the required guarantee made.

6.30. Article 24 of the Order – Liens for charges

6.30.1. This article provides for a right of lien over goods in the possession or custody respectively of a person collecting charges on behalf of the Commissioners or, a wharfinger or carrier, who has paid or given security for charges on those goods.

6.31. Article 25 of the Order – Refusal to pay charges for landing place

6.31.1. This articles provides that a vessel may be prevented from using a landing place supplied by the Commissioners, if the master of the vessel refuses to pay the related charges.

6.32. Article 26 of the Order – Exemption from Harbour Dues

6.32.1. This article provides for an exemption for harbour dues for vessels, persons and government departments (or their current equivalent) which were previously exempt from a requirement to pay harbour dues under the 1890 Order.

6.33. Article 27 of the Order – Recovery of charges

6.33.1. This articles provides that in addition to any other powers of recovery available to them, the Commissioners may recover any charges payable to them as a debt in Court.

6.34. Article 28 of the Order – Harbour Master may prevent sailing of vessels

6.34.1. This article provides that the Harbour Master may prevent the removal or sailing from the harbour of any vessel until evidence is produced that any charges payable in respect of the vessel, its passengers or goods have been paid.

F. Articles 29 – 36: GENERAL DIRECTIONS, SPECIAL DIRECTIONS AND BYELAWS

6.35. Article 29 of the Order – General byelaws

6.35.1. This article provides the Commissioners with the power to make Byelaws in a range of circumstances. The power incorporates the purposes in s83 of the Harbour, Docks and Piers Clauses Act 1847 and is in line with the modern practice of setting out a wide range of matters upon which the Commissioners will have the power to make Byelaws.

6.35.2. 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 to cover the full range of matters set out in Article 29. 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 statutory harbour authority 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.

6.35.3. Similar provisions can be found in article 15 of the Portland Harbour Revision Order 1997.

6.35.4. Historically, there has been no need to initiate any prosecutions at the harbour for breach of byelaws as harbour users have complied with the instructions of the harbour master. Nevertheless, to comply with the Port Marine Safety Code (PMSC) and to meet its other duties (including navigational safety), it is important that the Commissioners have modern and comprehensive byelaw making powers. It is anticipated that the harbour's current byelaws will be reviewed and updated by the Commissioners alongside a set of General Directions.

6.36. Articles 30 to 36 of the Order – General Power of Direction and Special Directions

6.36.1. These articles provide the Commissioners with a power of General Direction and extended powers of Special Direction. They also set out the consequences of failing to comply with a General or Special Direction.

6.36.2. To assist in the management of the harbour in compliance with the Port Marine Safety Code (PMSC), the Authority is seeking for the Commissioners the power to issue general directions, and to update the harbour master's powers to issue special directions, as recommended by the Code. These powers are required in the interests of providing safe navigation for a wide variety of vessels within a very busy harbour

6.36.3. The Authority considers it necessary to obtain powers of general direction in order to achieve the purposes set out in section 14(b) of the 1964 Act. Such powers are well precedented in harbour legislation and similar powers have been granted in article 12 of

the Poole Harbour Revision Order 2012 and article 11 of the Cowes Harbour Revision Order 2012.

6.36.4. The Authority has decided to adopt an adjudication process, and the process contained in article 31 has been suggested by the Royal Yachting Association during pre-application consultation.

6.36.5. A similar adjudication process is contained within the Cowes Harbour Revision Order 2012. A similar adjudication process is also envisaged by the Marine Navigation Act 2013.

6.36.6. In terms of the precise scope of general directions, it will be seen that article 30(1) would allow the Commissioners to 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". Such a scope is consistent with 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 the harbour.

6.36.7. This approach has been approved by the Secretary of State in the Poole Harbour Revision Order 2012. St Mary's Harbour is situated within the 'Isles of Scilly Complex' Special Area of Conservation (SAC) and OSPAR Marine Protected Area (MPA) and is near to the designated 'Isles of Scilly Sites' Marine Conservation Zone (MCZ). In addition, the whole of the Isles of Scilly is designated as an Area of Outstanding Natural Beauty (AONB). This means that it is particularly important for the Commissioners to give general directions in support of their conservation duties.

G. Articles 37 - 58: Miscellaneous and General Powers

6.37. Article 37 of the Order – General functions in respect of the harbour

6.37.1. This article provides that the Commissioners may take such steps as they may consider necessary or desirable from time to time for the operation, maintenance, management and improvement of the harbour, its approaches and facilities.

6.37.2. For those purposes, article 37 authorises the Board to improve, maintain, regulate, manage, mark and light the harbour and provide harbour facilities; carry out various activities related to works, structures and equipment at the harbour and harbour premises and do all other things which in their opinion are expedient to facilitate the proper operation, improvement or development of the harbour.

6.37.3. Through paragraphs (2)(c) and (3), article 37 recognises the importance of the harbour to the viability of the communities, provides the Commissioners with the express power to undertake activities at a lower than commercial rate of return for the benefit of harbour stakeholders (in accordance with paragraph 1.4.3 of MTP2) and requires the Commissioners to formulate, publish and review a Strategic Harbour Plan.

6.37.4. Article 37 is authorised by paragraph 3 of Schedule 2: “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.”

6.37.5. Unlike that of many SHAs, the current legislation and in particular the 1890 Order relating to the Harbour does not include a general statement of the Authority's statutory functions. In addition that 1890 Order will be repealed under the provisions of the HRO and it is considered that in the interests of clarity it is desirable that the Commissioners powers to carry out the matters set out in article 37 should be set out expressly, rather than relying on implied powers.

6.37.6. The power in article 37 to improve the harbour is a general statement of the Commissioners' functions and is not intended to, and would not give statutory authority to the Commissioners to carry out specific works in the harbour. As paragraph 7B of Schedule 2 indicates, authority to carry out specific works can only be conferred by a HRO if the works are described in the HRO.

6.38. Article 38 of the Order – Harbour Limits

6.38.1. This articles extends the limits of the harbour to include:

- a) the land (covered by water) near Porthloo Slip (which is a boatyard and slipway which will form part of the long lease arrangements to the Commissioners).
- b) an additional seaward area between Newman Rock and Taylors Island to allow for safe management of the harbour approaches, following the potential changes in manoeuvring by vessels approaching and leaving the quay following the 23m extension of the quay which is currently taking place.
- c) a small amount of additional land necessary for operational harbour purposes (e.g. provision of moorings, management of safety in the Harbour etc.) is included.

6.38.2. The extended harbour limits are important to secure the management of the harbour in an efficient and economical manner and, for reasons of navigational safety, to facilitate the efficient and economic transport of goods or passengers by sea and in the interests of the recreational use of vessels.

6.39. Article 39 of the Order – Advisory Body

6.39.1. This article covers the establishment of an external advisory body with an independent chairman. The Harbour Users Group is already established, however they have no statutory right to be consulted, so Article 39 puts on a statutory basis the establishment and continuance of a new advisory group and their administration and requires the Commissioners to consult the advisory group. The wording of the provision was suggested by the Royal Yachting Association during pre-application consultation.

6.40. Article 40 of the Order – Development of Land etc.

6.40.1. This article provides that the Commissioners may use or develop for any purpose, and deal with, any land within or in the vicinity of the harbour; or form, invest in and promote, or join with another person in forming, investing in and promoting, a company for using or developing for any purpose, and dealing with, any land within or in the vicinity of the harbour.

6.40.2. Article 40(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 Commissioners would not themselves have the power to do that thing

6.40.3. Article 40, so far as applying to land not required for the harbour, is authorised by paragraph 9A of Schedule 2 of 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 Article 40 is authorised by paragraph 17 of Schedule 2 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 harbour. The case for this is set out below as an integral part of the justification for article 40.

6.40.4. The purpose of article 40 is to give the Commissioners 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 and expansion of the harbour (as regards harbour land) and regeneration (as regards non-harbour land). Although the Commissioners in reality have, due to the nature of the harbour, limited land available for development an example of how this power might be used is in respect of the development of Porthloo Boatyard (to be leased to the Commissioners), perhaps as a base for offshore renewable maintenance boats if there is a suitable offshore development in the future.

6.40.5. The need for the Commissioners to have powers to carry on part of their harbour undertaking by means of a joint venture with another person or persons is set out in paragraphs 6.43.4. For the same reasons, the Commissioners need the ability to develop harbour land through such a joint venture as part of a package of the powers. The profits and revenues derived from the development of any non-harbour land under article 40 would be used to improve and develop the harbour and provide increased financial security.

6.40.6. It should be noted that the powers in article 40 can only be exercised if “it conduces to the improvement, maintenance or management of the harbour in an efficient and economical manner”. This limitation brings article 40 within the powers of section 14(2)(b) of the 1964 Act.

6.40.7. Similar powers to those in article 40 were conferred on the Poole Harbour Commissioners by article 53 of the Poole Harbour Revision Order 2012 and the Dover Harbour Board by article 4 of the Dover Harbour Revision Order 2014.

6.41. **Article 41 of the Order – Power to grant tenancies and to dispose of land**

6.41.1. Article 41(1) gives power to the Commissioners, for the purposes of or in connection with the carrying on of the undertaking, to grant leases and other rights or interests over their land or other property forming part of the harbour.

6.41.2. Article 41(2) provides that the Commissioners 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 harbour in an efficient and economical manner for the property to be held by a person other than the Board.

6.41.3. Article 41(1), which is needed to manage the harbour, is authorised by paragraph 3(a) of Schedule 2 which relates to powers conferred for the purposes of “improving maintaining or managing the harbour”.

6.41.4. Article 41(2)(a) is authorised by paragraph 9 of Schedule 2: “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.”

6.41.5. It is considered that Article 41(2)(b) is authorised by paragraph 17 of Schedule 2 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 harbour. The case for this is set out as an integral part of the need for article 41.

6.41.6. Article 41(1) and 41(2)(a) are needed to enable the Commissioners to manage the Harbour undertaking effectively. These powers are well precedented. For example, they are similar to the powers conferred on Poole Harbour Commissioners by article 54 of the Poole Harbour Revision Order 2012 and the Dover Harbour Board by article 6 of the Dover Harbour Revision Order 2014.

6.41.7. Article 41(2)(b) would enable the Commissioners to grant leases or transfer land or property to a subsidiary or other body. This power is needed to enable the Commissioners to have sufficient flexibility in how to structure the harbour undertaking in the future. The power in article 41(2)(b) is only exercisable if “it would conduce to the improvement, maintenance or management of the harbour in an efficient and economical manner”. This limitation brings article 41(2)(b) within the powers of section 14(2)(b) of the 1964 Act (set out in paragraph 4.2 above).

6.42. Article 42 of the Order – Other commercial activities

6.42.1. Article 42(1)(a) provides that the Commissioners 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. Article 42(1)(b) enables the Commissioners 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. Article 42(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 Board would not themselves have the power to do that thing.

6.42.2. It is considered that Article 42 is authorised by paragraph 17 of Schedule 2 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 harbour. The case for this is set out below as an integral part of the need for article 42.

6.42.3. Article 42(1)(a) would assist the Commissioners to maximise the potential of the harbour undertaking by enabling them to carry on any business which could conveniently be carried on with the harbour undertaking. For example, the Commissioners 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 a harbour.

6.42.4. Article 42(1)(b) would enable the Commissioners to carry on such a business as part of a joint venture with another person or persons, for example enabling the Commissioners to contribute land and/or harbour related expertise to the venture while the other party contributes complementary specialist business expertise.

6.42.5. The profits and revenues derived from the business ventures under article 42 would be used to improve and develop the harbour and ensure increased financial security.

6.42.6. It should be noted that the powers in article 42 can only be exercised if “it conduces to the improvement, maintenance or management of the harbour in an efficient and economical manner”. This limitation brings article 5 within the powers of section 14(2)(b) of the 1964 Act (set out in paragraph 4.2 above).

6.42.7. Similar powers were conferred the Dover Harbour Board by article 5 of the Dover Harbour Revision Order 2014.

6.42.8. It is considered that Article 42 is authorised by paragraph 17 of Schedule 2 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 harbour. The case for this is set out as an integral part of the justification for article.

6.43. Article 43 of the Order – Power to become a member of a company or subscribe for securities

6.43.1. This article provides that the Commissioners may, in connection with or for the purposes of the undertaking, subscribe for or acquire shares or securities in, or become a member of, any body corporate.

6.43.2. It is considered that Article 43 is authorised by paragraph 17 of Schedule 2 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 harbour. The case for this is set out below as an integral part of the justification for article 43.

6.43.3. The power in article 43 is needed to enable the Commissioners to invest in companies including companies limited by guarantee. This power covers some of the same ground as article 42(1)(b) but is wider in that, for example, it enables the Commissioners to become a member of a company limited by guarantee which is not formed to carry on a trade or business. The power would, for example, enable the Commissioners to hold its property through a charitable company which would allow the harbour to benefit from funding opportunities.

6.43.4. Similar powers were conferred the Dover Harbour Board by article 7 of the Dover Harbour Revision Order 2014.

6.44. Article 44 of the Order - Power to delegate functions

6.44.1. This article provides that the Commissioners may delegate the performance of any of their functions to be carried out by any such company as is referred to in article 42(1)(b).

6.44.2. Article 44 is authorised by paragraph 9B of Schedule 2: “Empowering the authority to delegate the performance of any functions of the authority except- (a) a duty imposed on the authority by or under any enactment; (b) the making of byelaws; (c) the levying of ship, passenger and goods dues; (d) the appointment of harbour, dock and pier masters; (e) the nomination of persons to act as constables; (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”.

6.44.3. The power to delegate functions is needed to enable the Commissioners 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.

6.45. Article 45 of the Order – Moorings

6.45.1. This article provides the Commissioners with powers related to the provision, maintenance and licensing of moorings within the harbour. The Authority already

licences moorings within the harbour as an important part of its management of the harbour and charges a licence fee.

6.45.2. Given the importance of managing moorings to the efficient management of the harbour, it is considered desirable in the interests of navigational safety and efficient and economical management of the harbour that the Commissioners powers are expressly stated rather than relying on implied powers. Similar provisions can be found in article 10 of the Portland Harbour Revision Order 1997.

6.46. Article 46 of the Order – Aids to Navigation

6.46.1. This article provides that the Commissioners may, with the approval of Trinity House, erect, place, alter, discontinue or remove any aids to navigation in any place adjacent to the harbour (subject to obtaining the necessary interest in or over land). This power is important for enabling the Commissioners to meet their navigational safety duties.

6.47. Article 47 of the Order - Vessels not to anchor within harbour without consent.

6.47.1. This article provides the Commissioners with a power currently conferred on the Authority by section 22 of the 1890 Order. The 1890 Order will be repealed by virtue of article 58 and schedule 3 of the HRO. Therefore this power is included in the HRO. It is considered important to the safe and efficient management of the harbour, including navigational safety.

6.48. Article 48 of the Order – Power to Dredge

6.48.1. This article provides the Commissioners with a power to Dredge. The power to dredge is a standard statutory harbour power and under article 7 of the Order of 2007 the Authority already has the power to dredge with respect to the Quay extension works. In addition, the Authority has a power to dredge under s6(2) of the 1890 Order (which will be repealed).

6.48.2. Historically there has been no need for regular maintenance dredging to be carried out at the harbour and the dredging carried out at the harbour (apart from in relation to the current Quay extension works) has been very limited. It is anticipated that this will continue in the future and therefore the power to dredge is likely to be exercised rarely. However, it is important that the Commissioners are provided with the power so that they are able to dredge if and when required.

6.48.3. If dredging is carried out at the harbour under the provision in the future, then in line with section 75 of the Marine and Coastal Access Act 2009, the Commissioners will not need to obtain a marine licence for the dredging activity. However, all dredged material has historically either been disposed to land or by disposal to sea at a disposal site outside the harbour. If disposal to sea is required in the future then a marine licence will

be required for this disposal. It is not anticipated that there will be any disposal of dredged material within the harbour.

6.48.4. Due to the proximity of European protected sites to the harbour, where the Commissioners are able to carry out dredging without a marine licence in the future, then in line with their environmental duties under the Conservation (Natural Habitats &c.) Regulations 1994 ("the Habitats Regulations"), the Commissioners will be required to carry out an 'appropriate assessment' of the dredging activity to assess the potential impact prior to carrying out the activity. This will involve prior consultation with Natural England and will ensure that the dredging activity will not, for example, damage the eel grass located within the harbour. In addition, the Commissioners must act in accordance with their environmental duties under s48A of the Harbour, Docks and Piers Clauses Act 1847. As such there are appropriate environmental safeguards in place.

6.49. Article 49 of the Order – Repair of landing places etc.

6.49.1. This article provides that the Commissioners may by notice require the owner or occupier of any landing place, jetty, embankment or structure or other work in the harbour or on land immediately joining the waters of the harbour to repair it, within a reasonable time, to their reasonable satisfaction, if it is a danger to persons or vessels using the harbour or a hindrance to navigation of the harbour. The provision provides for a level 3 fine for non-compliance (on summary conviction) and a power for the Commissioners to carry out the works and recover the cost from the person on whom the notice was served. There is a right of appeal to the Secretary of State.

6.49.2. This power is important in assisting the Commissioners in meeting their duties with regard to navigational safety and the safety of harbour users. Similar provisions can be found in article 11 of the Portland Harbour Revision Order 1997.

6.50. Article 50 of the Order – Power with respect to disposal of wrecks

6.50.1. This article extends the powers of the Commissioners under section 252 Merchant Shipping Act 1995. In particular it extends the circumstances in which the Commissioners may recover expenses reasonably incurred by them 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.

6.50.2. This extension of the power in s252 Merchant Shipping Act is common and important if the harbour is to be run in an efficient and economic manner. Similar provisions can be found in article 14 of the Portland Harbour Revision Order 1997.

6.51. Article 51 of the Order – Removal of obstructions other than vessels

6.51.1. This article provides that the Commissioners 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 harbour or its approaches. The provision deals with the recovery of costs by the Commissioners of reasonable expenses incurred by them in relation to the exercise of the power and sale of the item(s) recovered.

6.51.2. This power is important in assisting the Commissioners in meeting their duties with regard to navigational safety and the safety of harbour users, and important if the harbour is to be run in an efficient and economic manner. Similar provisions can be found in article 8 of the Portland Harbour Revision Order 1997.

6.52. Article 52 of the Order – Licensing of Watermen and Vessels

6.52.1. This article provides the power for the Commissioners to licence Watermen and Vessels with the prior approval of the Maritime and Coastguard Agency ('MCA'). However, there is no obligation on the Commissioners to carry out any such licensing function.

6.52.2. This provision has been included as a result of pre-application consultation responses. Currently the Isles of Scilly Council has 'competent' MCA status to licence boatmen (skippers and crew) of certain vessels. In pre-application consultation responses it was suggested that it may be more appropriate for this function to be carried out by the Commissioners rather than the Isles of Scilly Council.

6.52.3. These comments have been considered and the provision included within the HRO to enable the Commissioners to be able to carry out these functions in the future, subject to the approval of the MCA. It is not proposed that any transfer of function should occur immediately, because it is considered that the Commissioners should have time to get established before taking on any further functions. However, once the Commissioners are established, the Isles of Scilly Council and the Commissioners can work together with the MCA to consider a transfer of functions to the Commissioners.

6.52.4. The purpose of this provision is to provide the Commissioners with the relevant statutory powers so that they do not have to make a further harbour revision order application (which would incur further costs) in the foreseeable future.

6.52.5. If appropriate, the wording of this provision may be amended during the course of the HRO application process, to reflect comments made by the MCA or Isles of Scilly Council during the consultation process.

6.53. Article 53 of the Order – Saving for Trinity House

6.53.1. This article provides the standard saving provision for the rights of Trinity House.

6.54. Article 54 of the Order – Crown Rights

6.54.1. This article provides the standard saving provision for Crown Rights.

6.55. Article 55 of the Order – Saving for existing Byelaws

6.55.1. This article provides for a saving of existing Byelaws notwithstanding the revocation of the 1890 Order by virtue of article 58 of the HRO.

6.56. Article 56 of the Order – Amendment of Order of 1988

6.56.1. This article provides for the amendment of the Order of 1988 from the new constitution date to update as a result of the revocation of the 1890 Order by virtue of article 58 of the HRO and to amend the definition of "the Undertaker" so that it refers to the St Mary's Harbour Commissioners and the definition of "The Harbour" so that encompasses the extended harbour limits under the HRO.

6.57. Article 57 of the Order – Amendment of Order of 2007

6.57.1. This article provides for the amendment of the Order of 2007 from the new constitution date to update as a result of the revocation of the 1890 Order by virtue of article 58 of the HRO and to amend the definition of "the undertaker" so that it refers to the St Mary's Harbour Commissioners, the definition of "harbour" so that encompasses the extended harbour limits under the HRO and the definition of harbour master, to include a harbour master appointed by virtue of the HRO.

6.58. Article 58 of the Order – Revocation

6.58.1. This article provides for the repeal of the 1890 Order from the new constitution date. This Act will become obsolete once the HRO is fully in force.

7. CONCLUSION

7. 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.”

7.1 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 St Mary's Harbour and it is therefore within the scope of the 1964 Act for them to be included in the HRO.

8. PRIOR CONSULTATION

8. Prior to making this application the Authority has engaged in pre-application consultation with key stakeholders and the general public, including (but not limited to) the pre-application consultation summarised in the table below.

Period	Action
24 September 2014 – 22 October 2014	Initial period of consultation with key Stakeholders (including Harbour Users Group)
9 October 2014	Key local stakeholder meeting held
8 January 2015 – 6 February 2015	Public pre-application consultation period including further consultation with key stakeholders
19 January 2015	Key local stakeholder meeting held
19 January 2015 – 20 January 2015	Public consultation afternoon and morning

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MARINE MANAGEMENT ORGANISATION

HARBOURS ACT 1964 (AS AMENDED)

PROPOSED ST MARY'S (ISLES OF SCILLY)
HARBOUR REVISION ORDER 201[]

STATEMENT IN SUPPORT OF APPLICATION

FOR ORDER BY:

HIS ROYAL HIGHNESS CHARLES PHILIP ARTHUR GEORGE
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