

202[ ] No.

**HARBOURS, DOCKS, PIERS AND FERRIES**

The Saint Mawes Pier and Harbour Revision Order 20[X]

*Made* - - - - - \*\*\*

*Laid before Parliament* \*\*\*

*Coming into force* - - - \*\*\*

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

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(a) 1964 c. 40. Section 14 was amended by the Transport Act 1981 (c. 56), section 18 and Schedule 6, paragraphs 2 to 4(1) and 14 and section 40 and Schedule 12 (Part II), by the Transport and Works Act 1992 (c. 42), section 63(1) and Schedule 3, paragraph 1, by S.I. 2006/1177, regulation 2 and the Schedule (Part I), by the Planning Act 2008 (c. 29), section 36 and Schedule 2, paragraphs 8 and 9, by S.I. 2009/1941, article 2 and Schedule 1, paragraph 12 and by the Criminal Justice Act 1982 (c. 48), sections 37 and 46. Section 54 (orders and regulations) was amended by the Transport Act 1981 (c. 56), sections 18 and 40 and Schedules 6 and 12 (Part II) and by the Marine and Coastal Access Act 2009 (c. 23), section 315 and Schedule 21, paragraphs 1 and 3(2).

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

The Marine Management Organisation, being satisfied as mentioned in section 14(2)(b) and in exercise of the powers conferred by section 14(1) and (3) of the Act, makes the following Order.

## PART 1

### PRELIMINARY

#### **Citation and commencement**

**1.**—(1) This Order may be cited as the Saint Mawes Pier and Harbour Revision Order 202[ ] and shall come into force on [ ].

(2) The Saint Mawes Pier and Harbour Act 1854, the Saint Mawes Pier and Harbour Order 1934(e) and this Order may be cited together as the Saint Mawes Pier and Harbour Act and Orders 1854 to 202[ ].

#### **Interpretation**

**2.**—(1) In this Order—

“the Act of 1854” means the Saint Mawes Pier and Harbour Act 1854(f);

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

“Trinity House” means the Corporation of Trinity House of Deptford Strond(g);

## PART 2

### AMENDMENT OF THE ACT OF 1854

#### **Amendments to the Act of 1854**

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

(a) in section 8 –

(i) omit ‘ten shares’ and substitute ‘five shares’;

(ii) immediately after ‘Undertaking’ insert ‘with the exception that from time to time the Company may appoint up to (but not more than) two non-shareholding directors’;

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(a) S.I. 2010/674.

(b) Section 42A was inserted, in relation to England and Wales, by section 315 of, and paragraphs 1 and 3(1) of Schedule 21 to, the Marine and Coastal Access Act 2009 (c. 23).

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

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

(e) 1934 c. lxxxvii

(f) 1854 c. lvi.

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

**PART 3**  
**SAVINGS**

**Saving for Trinity House**

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

**Crown Rights**

5.—(1) Nothing in this Order shall—

- (a) prejudicially affect any estate right, power, privilege, authority or exemption of the Crown,
- (b) authorise the Company or any licensee to take, use, enter upon or in any manner interfere with any land or interests in land or any rights of whatsoever description (including any part of the shore or bed of the sea or of any river, channel, creek, bay or estuary) belonging to—
  - (i) Her Majesty in right of the Crown and under the management of the Crown Estate Commissioners without the prior consent in writing of those Commissioners, or
  - (ii) a government department or held in trust for Her Majesty for the purposes of a government department, without the consent in writing of that government department.

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

Signed by Authority of Marine Management Organisation

	<i>Name</i> Chief Executive Officer
Date	An authorised employee of the Marine Management Organisation

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

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

The Order provides for:

Amendment to section 8 of the Saint Mawes Pier and Harbour Act 1854 to reduce the number of shares a director of the Company must hold and to permit up to two non-shareholding directors to be appointed from time to time.

A full impact assessment has not been prepared for this instrument as no, or no significant, impact on the private, voluntary or the public sector is foreseen.

An explanatory memorandum is available alongside the instrument on the UK legislation website at [www.legislation.gov.uk](http://www.legislation.gov.uk)