



Ms Lara Moore  
Ashfords LLP  
(by email only)

Our reference:  
HRO/2021/00003

11 May 2021

Dear Ms Moore,

## **The Harbours Act 1964**

### **St Ives (G7 Summit 2021) Harbour Revision Order 2021**

1. The Marine Management Organisation (“MMO”) has considered your application for the St Ives (G7 Summit 2021) Harbour Revision Order 2021 (“the Order”) which you applied for on behalf of Cornwall Council (“the applicant”), under Section 14 of the Harbours Act 1964 (“the Act”) on 23 March 2021.

### **Summary of Decision**

2. The MMO has authorised the making of the Order with amendments and modifications not affecting the character of the Order, which it considers necessary and appropriate.
3. The Order temporarily extends the limits of the Harbour to include the whole of St Ives Bay, excluding the area under the jurisdiction of Hayle Harbour and it will be in force from 7 until 15 June 2021 (ceases to have effect 11:59pm) inclusive (“the G7 period”). The Order also grants powers of general and special direction and allows the applicant to exercise its existing powers within the extended limits, with the exception of any powers which authorise a development or project.
4. The Order will cease to have effect at the end of the G7 period, however the Order includes a saving provision allowing any proceedings started during the G7 period to be continued after the Order ceases to have effect. These powers are required to support the effective management of St Ives Harbour during the period of increased harbour-based activity during the G7 period, as recommended in the Port Marine Safety Code (“PMSC”).



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## Context

5. The 47th G7 Summit will be held at the Carbis Bay Hotel, near Hayle, Cornwall, with the event itself due to take place from 11 to 13 June 2021. The G7 is a forum where world leaders come together to discuss global matters. The G7 is made up of the United Kingdom, Canada, France, Germany, Italy, Japan and the USA with the EU participating in discussions as a guest. Leaders from Australia, India and South Korea have also been invited to attend the 47th G7 Summit as guest countries.
6. The applicant is the Statutory Harbour Authority (“SHA”) for a number of harbours in Cornwall and governs St Ives Harbour (“the Harbour”) using its own local legislation collectively known as the St Ives Harbour Act and Orders 1853 to 1993. The applicant is responsible for the administration, maintenance and improvement of St Ives Harbour.
7. The Harbour is classed by the Department for Transport (“DfT”) as a municipal port. Within the Harbour, the applicant facilitates 160 moorings for vessels under 10 meters in length. The Harbour is mainly used for fishing and leisure activities.
8. As the SHA for the Harbour, the PMSC (November 2016) published by the DfT applies to the applicant as well as to all statutory harbour authorities and other marine facilities, berths and terminals in the UK.
9. The PMSC identifies a number of tasks which SHAs should undertake in order to comply with the PMSC including reviewing and being aware of existing powers based on local and national legislation and it advises that harbour authorities should seek additional powers if the existing powers are insufficient to meet their obligations to provide safe navigation. In particular, paragraph 2.5 of the PMSC states: “... *harbour authorities would be well advised to secure powers of general direction or harbour direction to support the effective management of vessels in their harbour waters if they do not have them already*”.
10. The applicant does not currently have powers of general direction within the Harbour. It was identified by the applicant that powers of direction are necessary for the safe management of harbour activities during the G7 period. It has also been considered necessary for these powers, as well as the applicant’s existing powers, to be exercisable over the whole of St Ives Bay (excluding Hayle Harbour’s jurisdiction), for the duration of the G7 period. The applicant therefore applied to extend their harbour limits.
11. Upon termination of the G7 period, harbour-based activity is expected to return to normal levels. The powers in the Order will no longer be necessary for the safe management of the Harbour and the Order will cease to have effect.
12. The applicant also identified a need to be able to continue with any proceedings started as a result of non-compliance with the Order during the G7 period after the termination of the G7 period. For example, a prosecution for non-compliance with a general direction made under powers in the Order, in force during the G7 period, could continue even though the Order and the general directions are no longer in force.

13. Due to the increased security requirements, the temporary extension of the harbour limits within the Order is also sought so that a restricted area under the Aviation and Maritime Security Act 1990 can be implemented around the summit venue. The MMO is not responsible for the implementation of the restricted area and has no involvement with any considerations relating to it.
14. These powers have all been sought for achieving all or any of the objects specified in Schedule 2 of the Act. These are detailed within **Annex I** of this letter.

## Application Procedure

15. On 23 March 2021 an application for the Order was submitted to the MMO by the applicant.

## Consultation

16. Notice of the application for the Order was advertised in the *London Gazette* on 29 March 2021 and the *Western Morning News* on Monday 29 March 2021 and 5 April 2021. The consultation was over a 42-day period which ended on 9 May 2021, in accordance with Schedule 3 of the Act.
17. The MMO consulted with the following bodies (for a period of 42 days) identified in the table below. A summary of the representations received and the relevant MMO response is included.

Organisation	Response received
Department for Transport	DfT responded that they had no objection to the proposals.
Maritime and Coastguard Agency ("MCA")	MCA responded that they had no objection to the proposals and reminded the applicant of their obligations under the Port Marine Safety Code and Guide to Good Practice. To ensure continual safety of navigation for all inshore, port and coastal traffic, MCA highlighted the importance of due dissemination of MSI (maritime safety information). MCA also stated that due to the circumstances, they had understood the consultation for this Order fell outside the processes set out in Schedule 3 of the Act.  The MMO confirmed that the consultation processes in Schedule 3 of the Act were followed and MCA subsequently confirmed that they agreed that the correct consultation process and procedures as laid out in Schedule 3 of The Harbours Act 1964 were followed.
Trinity House ("TH")	TH noted the saving provision and had no objection to the Order.
Cornwall Council	No comments were received.
Royal Yachting Association ("RYA")	RYA noted their preferred drafting of provisions relating to directions and raised no objection to the proposals.
UK Major Ports Group	No comments were received.
British Ports Association	No comments were received.
Chamber of Shipping	No comments were received.
Duchy of Cornwall	No comments were received.
Hayle Harbour	Hayle Harbour Master had no objection to the Order.
Cornwall Inshore Fisheries and Conservation Authority ("Cornwall IFCA")	No comments were received.

## Public Representations

18. No public representations were received within the statutory 42 day period provided for in Schedule 3 to the Act.

## MMO Consideration

19. The MMO has considered the application in relation to the South West Inshore Marine Plan and is content that the application is in accordance with that marine plan.

20. The MMO has reviewed the application in relation to the PMSC and concludes that the powers conferred by the Order aid the applicant to comply with their duties as set out by the PMSC.

21. Section 14(1) of the Act provides for an Order to be made under this section (“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 set out in Schedule 2 to the Act.

22. By virtue of section 14(2)(a) a Harbour Revision Order may not be made in relation to a harbour unless the MMO is satisfied that an appropriate written application has been made by the authority engaged in improving, maintaining or managing it, or by a person appearing to it to have a substantial interest or body representative of persons appearing to it to have such an interest.

23. By virtue of section 14(2)(b) a Harbour Revision Order shall not be made in relation to a harbour unless the MMO is 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 of facilitating the efficient and economical transport of goods or passengers by sea or in the interests of the recreational use of sea-going ships.

## MMO's Decision

24. The MMO is satisfied that the Order meets the requirements of section 14(1) and 14(2)(a) of the Act.

25. The MMO is satisfied that there are no objections to the application for the Order.

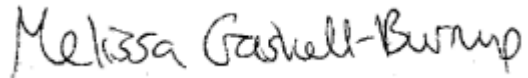
26. The MMO is satisfied, for the reasons set out by the applicant in their statement of support and summarised in this letter above, that the making of the Order (and each provision of the Order) is desirable for the purposes of section 14(2)(a) and (b) of the Act and should be made.

27. The MMO authorises the making of the Order with amendments and modifications which it considers necessary and appropriate but not substantially affecting the character of the Order.

## Challenges to Decisions

28. Information on the right to challenge this decision is set out in **Annex II** to this letter.

Yours sincerely,

A handwritten signature in black ink that reads "Melissa Gaskell-Burnup". The signature is written in a cursive, slightly slanted style.

Melissa Gaskell-Burnup  
Harbour Orders Team  
Marine Management Organisation

D +44 (0)208 225 8268

E [m.gaskell-burnup@marinemanagement.org.uk](mailto:m.gaskell-burnup@marinemanagement.org.uk)

## Annex I

### **Objects for whose achievement Harbour Revision Orders may be made within the Harbours Act 1964, Schedule 2, that apply to this Order**

Paragraph 3: 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.

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.

Paragraph 6: Settling (either for all purposes or limited purposes) the limits within which the authority are to have jurisdiction or altering (either for all purposes or for limited purposes) such limits as previously settled.

Paragraph 8: Authorising justices of the peace to appoint, on the nomination of the authority, persons to act as constables within any limits within which the authority have jurisdiction in relation to the harbour and within one mile outside any such limits, and to dismiss persons appointed by virtue of this paragraph, and conferring on persons so appointed, while acting within any such limits as aforesaid or within one mile outside any such limits, the powers which a constable has within his constablewick.

Paragraph 16A: Imposing or conferring on the authority duties or powers (including powers to make byelaws) for the conservation of the natural beauty of all or any part of the harbour or of any of the fauna, flora or geological or physiographical features in the harbour and all other natural features.

Paragraph 17: Any object which, though not falling within any of the foregoing paragraphs, appears to the appropriate Minister to be one the achievement of which will conduce to the efficient functioning of the harbour.

## **Annex II**

### **Right to challenge decisions**

#### **Right to challenge orders made under sections 14 and 16 of the Harbours Act 1964**

Any person who desires to question the making of the Order on the ground that there was no power to make the Order or that a requirement of the Harbours Act 1964 was not complied with in relation to the Order, may within 6 weeks from the date on which the Order becomes operative make an application for the purpose to the High Court.

**A person who thinks they may have grounds for challenging the decision to make the Order is advised to seek legal advice before taking any action.**