



Marine
Management
Organisation

Statement in Support of Harbour Revision Order (HRO) Application

Table 1: Application details

1. Date application made to MMO	13 September 2022
2. Name of primary contact	Lara Moore
3. Contact details of primary contact	Lara Moore, Ashfords LLP l.moore@ashfords.co.uk
4. Address of primary contact	Ashfords LLP, Ashfords House, Grenadier Road, Exeter, EX1 3LH
5. Name of Statutory Harbour Authority	Felixstowe Dock and Railway Company ("the Company")
6. Is this a Works Order?	No
a. Brief description of proposed works	N/A
b. Date when notification of intention was submitted to MMO	N/A
c. Date when EIA screening opinion was issued by MMO	N/A

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

<p>9. State the title of all relevant charts/maps/plans included with application (if appropriate)</p>	<p>Port Limits Plan Port Premises Plan</p>
<p>10. State the legislation relevant to the Harbour Authority and included with this application (if appropriate)</p>	<ol style="list-style-type: none"> 1. Felixstowe Railway and Pier Act 1875 2. Felixstowe Railway and Dock Act 1879 3. Great Eastern and Felixstowe Railways Arrangement Act 1887 4. Felixstowe Dock and Railway Act 1923 5. Felixstowe Dock and Railway Act 1956 6. Felixstowe Dock and Railway Act 1963 7. Felixstowe Dock and Railway Act 1968 8. Harwich Harbour Act 1974 9. Felixstowe Dock and Railway Act 1979 10. Felixstowe Dock and Railway Act 1981 11. Felixstowe Dock and Railway Act 1988 12. Felixstowe Dock and Railway Harbour Revision Order 2002 13. Felixstowe Dock and Railway Harbour Revision Order 2007 14. Felixstowe Dock and Railway Harbour Revision Order 2009
<p>1. If you have received any pre-application guidance from the MMO in relation to this application please briefly describe this here.</p>	<p>N/A</p>

<p>2. Have you included the required fee for your application?</p>	<p>£4,000 sent by BACS</p>
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Table 3: Statutory Harbour Authority background

<p>The Statutory Harbour Authority:</p> <p>Felixstowe Dock and Railway Company ('the Company'), as the statutory harbour authority for the Port of Felixstowe ("the Port"), is governed by its own local legislation. The Company is responsible for the administration, maintenance and improvement of the Port, which is further described below.</p> <p>The Company is also the Local Lighthouse Authority for the Port and surrounding areas.</p> <p>In managing the Port, the Company strives to observe industry standards set out in Government guidelines. The Company is committed to complying with the principles of the various codes and reports applying to the port and harbour industry, except where not relevant to the Company's constitution.</p> <p>The Port:</p> <p>The Port of Felixstowe is Britain's biggest and busiest container port, and one of the largest in Europe. The Port handles more than 4million TEUs (Twenty-foot Equivalent Units) and welcomes approximately 2,000 ships each year, including the largest container vessels afloat today – the Port provides some of the deepest water close to the open sea of any European port. Around 17 shipping lines operate from Felixstowe, offering 33 services to and from over 700 ports around the world. Together with its rail and road links connecting the Port to distribution hubs in the Midlands and elsewhere in the UK, Felixstowe plays a pivotal role in keeping the UK's trade moving.</p>
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Table 3a: Need and justification for order

<p>Port Marine Safety Code:</p> <p>As the harbour authority for the Port of Felixstowe, the Port Marine Safety Code (November 2016) published by the Department for Transport ("the Code") applies to the Company as well as to all statutory harbour authorities and other marine facilities, berths and terminals in the UK. The Executive Summary to the Code explains that:</p>
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“The Code has been developed to improve safety in the port marine environment and to enable organisations to manage their marine operations to nationally agreed standards. It provides a measure by which organisations can be accountable for discharging their statutory powers and duties to run harbour or facilities safely and effectively. It also provides a standard against which the policies, procedures and performance of organisations can be measured. The Code describes the role of board members, officers and key personnel in relation to safety of navigation and summarises the main statutory duties and powers of harbour authorities. The Code is designed to reduce the risk of incidents occurring within the port marine environment and to clarify the responsibilities of organisations within its scope.”

The Code identifies a number of tasks which harbour authorities should undertake 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 2.5 of the Code 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*”.

The Company does not currently have powers of General Direction and is seeking to obtain a modern power of General Direction (covering both vessels and vehicles) to enable it to have a set of General Directions covering the Port instead of having separate byelaws and directions. Designation with powers of General Direction is an important tool which will assist the Company with compliance with the Port Marine Safety Code, and the environmental duties placed on harbour authorities by virtue of section 48A of the Harbours Act 1964 (“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. In relation to vehicles and port operations ashore, these powers are consistent with the powers in section 14(3) relating to penal provisions and the environmental duties placed on harbour authorities by virtue of section 48A of the 1964 Act and paragraph 16A of Schedule 2 to that Act, which enables a harbour revision order to confer powers for environmental conservation within the harbour.

Harbours Act 1964:

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

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

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

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

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

And, at paragraph 6:

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

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

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

- (A) Section 14(1) of the 1964 Act because it is made in relation to a port 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 a port; and
 - (ii) The making of the HRO is desirable in the interests of securing the improvement, maintenance or management of the Port in an efficient and economical manner.

General:

The proposed HRO would modernise and extend the powers of the Company considered conducive to the efficient and economical operation, improvement, maintenance or management of the Port. It clarifies the port limits (including port premises). The clarified port limits would be conducive to the efficient management of the Port. The definition of “port premises” is flexible, meaning that if further port land within the definition of “port premises” under the proposed Order were purchased in the future (or sold if no longer required for port purposes) such land would automatically become part of (or cease to be part of) the undertaking.

It is considered that it is desirable in the interests of securing the improvement, maintenance or management of the Port in an efficient and economical manner that the Company is provided with additional modern flexible statutory powers contained within the proposed HRO.

The modernised and additional powers include powers reflective of those contained in modern HROs. Other HROs which contain some similar

provisions include the Weymouth Harbour Revision Order 2021, 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 powers to dispose of and develop land, powers associated with charges (including deposits and liens associated with charges) and miscellaneous powers including a power of general direction, and various powers related to commercial activities.

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

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

Table 2b: Justification for inclusion of provisions

Article in HRO	Summary of Provision	Requirement for provision
<p>2 Interpretation</p>	<p>This article contains definitions which apply throughout the Order and a number of other provisions assisting with the interpretation of and clarification of scope of the Order.</p>	<p>The definitions are found within paragraph (1) of the article.</p> <p>Paragraph (2) provides that all points, distances etc. in the Order should be construed as if the word “or thereabouts” had been inserted after them.</p> <p>Paragraph (3) sets out that all references to points in the Order are references to World Geodetic System (WGS84) reference points.</p> <p>Paragraph (4) applies the definitions of the “port” and “limits of the port” under the HRO in place of “dock” and “limits of the dock” in the Felixstowe Dock and Railway Acts and Orders 1879 to 2007.</p> <p>Article 2 is required to enable the Order and its effect to be properly interpreted.</p>
<p>3 Incorporation of the Harbours, Docks and Piers Clauses Act 1847</p>	<p>This article incorporates the said Act except in relation to the sections listed as being excepted. Those sections included predominantly relate to:</p> <p>(A) Power to construct warehouses and other works (section 21). (B) Rates (sections 27 and 33). (C) Collection of rates (sections 34 – 41 and 43 – 46 and 48).</p>	<p>This is an incorporation clause of the Harbours, Docks and Piers Clauses Act 1847.</p>

	<p>(D) Harbour, dock and pier master (sections 51 - 65).</p> <p>(E) 68, 69, 72 – 76 (relating to the discharge or cargoes, removal of goods and the protection of the harbour, dock and pier);</p> <p>(F) Harbour and dock police (sections 79 – 80);</p> <p>(G) Meters and weighers (sections 81 – 82);</p> <p>(H) Byelaws (section 83);</p> <p>(I) Recovery of damages and penalties (sections 92, 94).</p>	
<p>4</p> <p>Port Jurisdiction</p>	<p>This article provides that the Company shall exercise jurisdiction as a harbour authority, and the powers of the harbour master shall be exercisable within the Port (which includes the port premises, the limits of which are described fully in article 4(1)). The clarified port limits are important to secure the management of the Port in an efficient and economical manner because they remove the uncertainty over which land (including land covered by water) forms part of the current port undertaking.</p>	<p>The article does not alter the Company’s current area of jurisdiction however it does make the port premises flexible (see below).</p> <p>It is important that the Company’s jurisdiction as Statutory Harbour Authority is clearly set out in this article. It is conducive to the efficient and economic management of the Port to express them clearly in the Order and to deposit plans clearly delineating the port limits.</p> <p>In respect of the port limits, it should be noted that the existing limits of the port (see article 3 and Schedule 1 to the 2009 Order) are set out with reference to Ordnance Survey National Grid reference points. Although the proposed Order does not change the existing limits, the coordinates have been converted to World Geodetic System (WGS84) reference points. This format is commonly used in modern Harbour Orders and is considered appropriate for use. The updated coordinate format is required as part of the modernisation process (again, the position of the coordinates has not changed). The updated coordinate references can be seen in article 4 of the proposed Order and are shown for illustrative purposes on the port limits plan.</p> <p>In respect of the port premises, in the event of any future alteration to the extent of the port premises (because the Company buys, sells etc. land), the Order requires the Company to publish an updated plan on the Port website and to display one in the Port office within 30 days of</p>

		<p>the alteration. The Company's byelaw and general direction enforcement powers can be exercised over the entire area of jurisdiction.</p> <p>The definition of port premises (defined in article 2(1) of the Order) is flexible, meaning that if further land was purchased in the future for the port undertaking, it would automatically become part of the undertaking (or if land no longer required for the purposes of the port undertaking was sold, it would cease to be a part of the port undertaking).</p> <p>Additionally, paragraph (3) expressly sets out that 'port premises' (as defined in the Order) are deemed to be 'operational land' for the purposes of the Town and Country Planning Act 1990 ('the 1990 Act').</p> <p>'Operational land' is defined in section 263 of the 1990 Act as:</p> <p style="text-align: center;">263 Meaning of "operational land".</p> <p><i>(1) Subject to the following provisions of this section and to section 264, in this Act "operational land" means, in relation to statutory undertakers—</i></p> <p><i>(a) land which is used for the purpose of carrying on their undertaking; and</i></p> <p><i>(b) land in which an interest is held for that purpose.</i></p> <p><i>(2) Paragraphs (a) and (b) of subsection (1) do not include land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held, for the purpose of the carrying on of statutory undertakings.</i></p>
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<p>5</p> <p>General Functions</p>	<p>This article provides that the Company may take such steps as it may consider necessary or desirable from time to time for the operation, maintenance, management and improvement of the Port, its approaches and facilities.</p>	<p>For those purposes, this article authorises the Company to improve maintain, regulate, manage, mark and light the port and provide port facilities; carry out various activities related to works, structures and equipment at the Port (including the port premises) and do all other things which in its opinion is expedient to facilitate the proper operation, improvement or development of the Port including acquiring land.</p>

		<p>Although the Company has powers to acquire land for the Port, it is sensible to include an express reference to the power within the Order.</p> <p>The definition of port facilities highlights the potential importance of the fishing, leisure, recreational, energy and tourism industries to the future viability of the Port.</p> <p>This article is authorised by paragraph 3 of Schedule 2 to the 1964 Act:</p> <p><i>"Varying or abolishing duties or powers imposed or conferred on the authority by a statutory provision of local application affecting the harbour, being duties or powers imposed or conferred for the purpose of- (a) improving, maintaining or managing the harbour; (b) marking or lighting the harbour, raising wrecks therein or otherwise making safe the navigation thereof; or (c) regulating the carrying on by others of activities relating to the harbour or of activities on harbour land"</i>.</p> <p>It is considered that, in the interests of clarity, it is desirable that the Company's powers to carry out the matters set out in this article should be set out expressly, rather than relying on implied and/ or existing powers.</p> <p>A similar provision can be found under article 5 of the Weymouth Harbour Revision Order 2021.</p> <p>Specifically relating to the power to invest contained in article 5(2), this provision provides that where there are monies which are not immediately required by the Company for the purposes of the port undertaking, the Company can invest such monies as it thinks fit.</p> <p>This power allows the Company to make such investments as it considers fit using any monies which aren't immediately required for the purposes of the port undertaking.</p> <p>It is considered that this article is desirable in the interests of securing the improvement, maintenance or management of the port in an efficient and economical manner, as required by section 14(2)(b) of the</p>
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		<p>1964 Act because it will allow the Company to invest to maximise the funds available to it for the benefit and future of the Port.</p> <p>Similar provisions already exist under local harbour legislation, such as section 12 of the Blyth Harbour Act 1986, article 18 of the Falmouth Harbour Revision (Constitution) Order 2004 in England. Similar provisions can also be found in force in Scotland, for example article 5 of the Montrose Harbour Revision Order 1999 and article 13 of the Eyemouth Harbour Revision Order 2021. These provisions provide that the relevant statutory harbour authority may invest sums not immediately required for the purposes of the harbour undertaking and / or turn their resources to account so far as not required for the purposes of the harbour undertaking.</p> <p>This provision is authorised by paragraph 17 of Schedule 2 to the 1964 Act:</p> <p><i>“Any object which, though not falling within any of the foregoing paragraphs, appears to the appropriate Minister to be one the achievement of which will conduce to the efficient functioning of the harbour”.</i></p>
<p>Charges (generally)</p>	<p>These articles contained within Part 2 of the HRO (Charges) set out the Company’s powers with respect to charges it may levy. They are reflective of modern statutory harbour powers relating to charges and are conducive to the improvement, maintenance and management of the Port in an efficient and economical manner. A similar suite of powers can be found in the Weymouth Harbour Revision Order 2021 and the Poole Harbour Revision Order 2012.</p>	<p>See below for further justification of particular provisions.</p>
<p>6 Charges other than ship, passenger</p>	<p>This article provides that in addition to ship, passenger and goods dues under section 26 of the 1964 Act, the Company may demand, take and recover reasonable charges in respect of all vessels. It also expressly states that charges may be made in respect of a variety of other</p>	<p>It is important to the Company’s future viability that all users of the Port contribute to the cost of the management and maintenance of the Port.</p> <p>It would be detrimental to the improvement, maintenance or management of the Port in an efficient and economical manner if</p>

<p>and goods dues</p>	<p>floating platforms etc. so that no dispute will arise as to whether such structures should be charged in the future.</p>	<p>charging powers did not to exist in respect of one type of vessel or floating structure using the Port (unless exempt under the HRO).</p> <p>This article is authorised by paragraph 11 of Schedule 2 to the 1964 Act:</p> <p><i>“empowering the authority to levy at the harbour charges other than ship, passenger and goods dues or varying or abolishing charges (other than aforesaid) levied by them at the harbour”.</i></p> <p>A similar provision can be found under article 10 of the Weymouth Harbour Revision Order 2021.</p>
<p>7</p> <p>Charges for services or facilities</p>	<p>This article provides that in addition to ship, passenger and goods dues under section 26 of the Harbours Act 1964, the Company may demand, take and recover reasonable charges for services and facilities provided by it.</p>	<p>This provision is common as it is required for the Port to be managed economically and efficiently.</p> <p>This article is authorised by paragraph 11 of Schedule 2 to the 1964 Act:</p> <p><i>“empowering the authority to levy at the harbour charges other than ship, passenger and goods dues or varying or abolishing charges (other than aforesaid) levied by them at the harbour”.</i></p> <p>This is pursuant to securing the improvement, maintenance and management of the Port in an efficient and economical manner.</p> <p>A similar provision can be found under article 11 of the Weymouth Harbour Revision Order 2021.</p>
<p>8</p> <p>Payment of Charges</p>	<p>This article provides that charges are payable before the vessel or goods against which they are payable are removed from the Port or port premises. It also sets out who charges are payable by and who they can be recovered from and when.</p>	<p>This article is included to ensure that the payment of charges authorised to be levied is made. The article is consistent with section 14(2)(b) of the 1964 Act for the order to be desirable for the improvement, maintenance and management of the Port in an efficient and economical manner. For these purposes, it is essential that the HRO is clear as to when charges must be paid and from whom charges must be taken. It would be counter-productive to exclude such a provision from the HRO as this would negatively impact the Company’s ability to efficiently and economically manage the Port.</p>

		<p>Furthermore, article 8 is authorised by paragraph 12 of Schedule 2 to the 1964 Act in that it secures the efficient collections of charges levied by the Company, specifying the times at which and the persons by whom charges are to be paid:</p> <p><i>“Securing the efficient collection of charges levied by the authority at the harbour and specifying the times at which and the persons by whom such charges are to be paid.”</i></p> <p>A similar provision can be found under article 12 of the Weymouth Harbour Revision Order 2021.</p>
<p>9 Compounding arrangements and rebates</p>	<p>This article provides the Company 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 Company does not have to include on its list of ship, passenger and goods dues kept at the port office, charges which have been reduced by a rebate or a compounding arrangement in respect of a due included on the list.</p>	<p>This article is important to enable the Company to act in a commercial manner when entering into arrangements with customers, thereby managing the port in an efficient and economical manner. This would be extremely difficult if the Port was required to publish commercially sensitive information.</p> <p>The great majority of ports operate on a commercial basis, in competition with each other (domestically and abroad) and in some cases with other modes of transport. This is recognised by the Ports Good Governance guidance at paragraph 1.15. The commercial relationship formed with port stakeholders in particular is also recognised at paragraph 2.10 and 2.11, and paragraph 2.28 specifically states:</p> <p><i>“All SHAs are encouraged to consider meeting the reasonable requests for information from stakeholders, where practical. This does not mean that SHAs should be expected to make available information that is commercially or otherwise sensitive...”</i></p> <p>On this basis, it is considered this article is consistent with the Ports Good Governance Guidance and is therefore justified.</p> <p>A similar article can be found in, for example, the recent Weymouth Harbour Revision Order 2021.</p>

<p>10</p> <p>Deposits for charges</p>	<p>This article provides that the Company may require from a person who incurs or is about to incur a charge with it, a reasonable deposit or guarantee. It also provides the Company with the power to detain a relevant vessel or goods until the deposit has been paid or the required guarantee made.</p>	<p>It is essential for the economic management of the Port to be able to secure the reasonable charges due to the Company by virtue of its charging powers under the local legislation applying to the Port, the 1964 Act or otherwise. Should it become apparent that such a guarantee is not going to be provided by the person from whom it is due, then until such guarantee is received the SHA need to be able to secure the interests of the harbours by removing the relevant vessel or goods from the Port or refuse entry.</p> <p>Article 10 is consistent with section 14(2)(b) of the 1964 Act for the order to be <i>“desirable for the improvement, maintenance and management of the harbour in an efficient and economical manner”</i>. Furthermore, article 10 is authorised by paragraph 12 of Schedule 2 to the 1964 Act in that it secures the efficient collections of charges levied by the Company:</p> <p><i>“Securing the efficient collection of charges levied by the authority at the harbour and specifying the times at which and the persons by whom such charges are to be paid.”</i></p> <p>A similar provision can be found under article 14 of the Weymouth Harbour Revision Order 2021.</p>
<p>11</p> <p>Liens for charges</p>	<p>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 Company or, a wharfinger or carrier, who has paid or given security for charges on those goods.</p>	<p>This is a standard provision included to secure the financial interests of those who by agreement with the Company collects charges on its behalf, by securing said interest against goods in their possession. As that person will not themselves be liable for the payment of charges, this provision is required to secure debts owed.</p> <p>A similar provision can be found under article 15 of the Weymouth Harbour Revision Order 2021.</p>
<p>12</p> <p>Refusal to pay charges for landing places</p>	<p>This article provides that a vessel may be prevented from using a landing place supplied by the Company, if the master of the vessel refuses to pay the related charges.</p>	<p>It is essential for the economic management of the Port for the Company to be able to secure the reasonable charges due to it by virtue of its charging powers under the local legislation applying to the Port, the 1964 Act or otherwise. Therefore, the Company must be able to prevent vessels from sailing or using facilities at the Port (such as a landing</p>

		<p>place or mooring) in the event that the master of a vessel refuses to pay the reasonable charge required, as authorised under the HRO.</p> <p>This article is consistent with section 14(2)(b) of the 1964 Act for the order to be desirable for the improvement, maintenance and management of the harbour in an efficient and economical manner. Furthermore, this article is authorised by paragraph 12 of Schedule 2 to the 1964 Act in that it promotes securing the efficient collections of charges levied by the Company:</p> <p><i>“Securing the efficient collection of charges levied by the authority at the harbour and specifying the times at which and the persons by whom such charges are to be paid.”</i></p> <p>A similar provision can be found under article 16 of the Weymouth Harbour Revision Order 2021.</p>
<p>13</p> <p>Exemption from Harbour Dues</p>	<p>This article is similar to other modern provisions providing for an exemption for harbour dues for certain vessels, persons and government departments (or their current equivalent) whilst in the exercise of their core duties.</p>	<p>This article is authorised by paragraph 14 of Schedule 2 to the 1964 Act, as follows:</p> <p><i>“Varying or extinguishing any exemption from charges levied by the authority at the harbour or any other right or privilege enjoyed thereat.”</i></p> <p>It is necessary for the efficient and safe management of the Port that those persons named in the article are exempt from harbour dues when in the exercise of their core functions, as such persons ought not to be restricted or deterred from exercising those functions as a result of them otherwise being liable to pay harbour dues.</p> <p>A similar provision can be found under article 17 of the Weymouth Harbour Revision Order 2021.</p>
<p>14</p> <p>Recovery of charges</p>	<p>This article provides that in addition to any other powers of recovery available to it, the Company may recover any charges payable to it as a debt in Court.</p>	<p>It is essential for the economic management of the Port to be able to secure the reasonable charges due to the Company by virtue charging powers under the local legislation applying to the Port, the 1847 Act incorporated with the HRO or otherwise. Therefore, the Company must be able to rely on the resources of the Court to assist in securing any</p>

		<p>debts owed to them should the existing powers of recovery be insufficient to secure the debt.</p> <p>Article 14 is consistent with section 14(2)(b) of the 1964 Act for the order to be desirable for the improvement, maintenance and management of the Port in an efficient and economical manner.</p> <p>A similar provision can be found under article 18 of the Weymouth Harbour Revision Order 2021.</p>
<p>15</p> <p>Harbour master may prevent sailing of vessels</p>	<p>This article provides that the harbour master may prevent the removal or sailing from the Port of any vessel until evidence is produced that any charges payable in respect of the vessel, its passengers or goods have been paid.</p>	<p>It is essential for the economic management of the Port for the Company to be able to secure the reasonable charges due to it in relation to:</p> <ul style="list-style-type: none"> - the vessel; - passengers on the vessel; and - goods imported, exported or carried on the vessel. <p>by virtue of its powers under the local legislation applying to the Port or otherwise. Therefore, the harbour master is required to have an express power to prevent the sailing and/ or removal of a vessel from the Port until such a time as the charges payable have been paid.</p> <p>Should such a vessel be able to leave the Port without having paid the charges due, it would become difficult for the Company to recover said charges and therefore be detrimental to its ability to manage the Port in an economically efficient manner.</p> <p>Article 15 is consistent with section 14(2)(b) of the 1964 Act for the order to be desirable for the improvement, maintenance and management of the Port in an efficient and economical manner.</p> <p>A similar provision can be found under article 19 of the Weymouth Harbour Revision Order 2021.</p>
<p>16</p>	<p>These articles provide the Company with modern powers of General Direction covering vehicles and directions</p>	<p>The Port Marine Safety Code, advises at paragraph 2.5 of Chapter 2 that:</p>

<p>Power to make General Directions</p>	<p>given for the ease, convenience or safety of harbour operations ashore as defined under the Order (including speed limits for and parking of vehicles) and extended powers of Special Direction. The articles also set out the consequences of failing to comply with a General or Special Direction.</p>	<p><i>“In particular, harbour authorities would be well advised to secure powers of general direction or harbour direction to support the effective management of vessels in their harbour waters if they do not have them already.”</i></p>
<p>17</p> <p>Procedure for giving, amending or revoking General Directions</p>		<p>As set out above, the Company does not have existing powers of General Direction. The process for keeping General Directions up to date is far more time and cost efficient than the byelaw making process, and due to the inclusion of the Port Advisory Group to be set up under the HRO as ‘designated consultees’ it contains a strong local consultation requirement.</p>
<p>18</p> <p>Publication of General Directions</p>		<p>Therefore, in line with the Port Marine Safety Code, the Company is applying for a modernised power of General Direction (article 16) that will enable the Company to have in place a single set of General Directions. In line with best practice, article 17 of the proposed order provides a statutory right for ‘designated consultees’ to be consulted about proposed General Directions (see article 17(1)(a) and (b)).</p>
<p>19</p> <p>Special Directions</p>		<p>As stated above, a Port Advisory Group will be a ‘designated consultee’ within article 17(1)(a) alongside the Chamber of Shipping and the Royal Yachting Association.</p>
<p>20</p> <p>Priority of Directions</p>		<p>General Directions can be made over the entirety of the Port (which include the port premises). Any future exercise of this power will be exercised in accordance with article 17. This means that representations received from the designated consultees will be considered by the Company and if they object to proposed General Directions and those concerns are unable to be resolved, there is a statutory adjudication process contained in article 17. The process contained in article 17 is likely to be acceptable to the Royal Yachting Association as a similar adjudication process is contained within the Shoreham Port Authority Harbour Revision Order 2021, the Fowey Harbour Revision Order 2021 and the Dart Harbour and Navigation Harbour Revision Order 2021.</p>
<p>21</p> <p>Failure to comply with directions</p>		
<p>22</p>		

<p>Enforcement of directions</p> <p>23</p> <p>Master's responsibility in relation to directions</p> <p>24</p> <p>Boarding of vessels and vehicles</p>		<p>In terms of the precise scope of General Directions, it will be seen that article 16(1) would allow the Company to give or amend directions “...for the purpose of promoting or securing directions conducive to the ease, convenience or safety of navigation, the safety of persons, the protection of property, flora and fauna and the ease, convenience and safety of port operations ashore in the port”.</p> <p>In relation to vehicles and port operations ashore, such a scope is consistent with the powers in section 14(3) relating to penal provisions and the environmental duties placed on harbour authorities by virtue of section 48A of the 1964 Act and paragraph 16A of Schedule 2 to that Act, which enables a harbour revision order to confer powers for environmental conservation within the harbour.</p> <p>Article 20 provides that if there is any conflict between a direction given by the Harwich Haven Authority or its harbour master and a direction given by the Company or its harbour master, the direction of the Harwich Haven Authority will prevail. This article is consistent with section 14(2)(b) of the 1964 Act for the order to be desirable for the improvement, maintenance and management of the harbour in an efficient and economical manner.</p> <p>Article 21 sets out the maximum fine level (level four on the standard scale) for failure to comply with a General Direction once made. The Company is already entitled to impose fines of up to level 4 on the standard scale (section 57 of the Criminal Justice Act 1988), so the level four fine is considered justified.</p> <p>Article 23 is consistent with section 14(2)(b) of the 1964 Act for the order to be desirable for the improvement, maintenance and management of the Port in an efficient and economical manner as it expressly imposes the Master's own responsibility in relation to directions.</p> <p>A similar provision can be found under article 10 of the Shoreham Port Authority Harbour Revision Order 2021 and under article 10 of the Lymington Harbour Revision Order 2014.</p>
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<p>25</p> <p>Saving for existing directions, byelaws etc.</p>	<p>Due to the proposed repeal and amendment of some of the local legislation currently in force in respect of the Port, it is necessary to include a saving provision for existing byelaws etc. They will then remain in force until replaced in the future.</p>	<p>It is important that any existing byelaws, regulations, licences, leases etc. remain in force following the coming into force of this Order.</p> <p>This provision is incidental to the power to make byelaws and general directions that are being introduced under the provisions of the HRO, and is therefore consistent with section 14(2)(b) of the 1964 Act for the order to be desirable for the improvement, maintenance and management of the Port in an efficient and economical manner.</p>

		<p>A similar provision can be found under article 11 of the Shoreham Port Authority Harbour Revision Order 2021.</p>
<p>26 Advisory bodies</p>	<p>This article covers the establishment of an external advisory body with an independent chairperson.</p>	<p>This article puts on a statutory basis the establishment and continuance of an advisory group or groups for the Port and their administration. It also requires the Company to consult the advisory group or groups.</p> <p>The statutory requirement for the Company to form an Advisory Group is fundamental to its compliance with the Ports Good Governance Guidance (March 2018) which recognises at para 1.5 <i>“the importance of engaging effectively and fully with stakeholders and carrying out their business in an accountable way”</i> and specifically sets out at para 2.6:</p> <p><i>“Effective engagement with stakeholders is essential for all SHAs to maintain or improve understanding of the harbour by its stakeholders. Engagement is equally important to understand stakeholder’s views about the harbour and key issues from their perspective. All SHAs should therefore seek to engage effectively with a wide range of stakeholders”.</i></p> <p>Additionally, the consultation requirement in respect of General Directions (also being provided for under the HRO) sets out that the Company must (except in an emergency) consult the Advisory Group on all matters substantially affecting the port, and therefore this article is necessary and incidental to the inclusion of the power of General Direction under the HRO. The power of General Direction (discussed under General Directions above) will be an essential tool for the Company to comply with the Port Marine Safety Code.</p> <p>As a result of the above, this article is conducive to the efficient and economical development of the port which is being improved, maintained and managed by a harbour authority.</p> <p>A similar provision can be found under article 28 of the Weymouth Harbour Revision Order 2021.</p>

<p style="text-align: center;">27</p> <p>Development of land</p>	<p>This article provides that the Company may use or develop for any purpose, and deal with, any land within or in the vicinity of the Port; 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 Port.</p>	<p>Paragraph (2) provides that a company established under paragraph (1)(b) may have powers to do anything necessary for the purposes of the objects for which it has been established notwithstanding that the Company would not itself have the power to do that thing.</p> <p>This article, as far as applying to land not required for the harbour, is authorised by paragraph 9A of Schedule 2 to the 1964 Act:</p> <p><i>"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".</i></p> <p>So far as relating to harbour land, it is considered that this article is authorised by paragraph 17 of Schedule 2 to the 1964 Act which enables a provision to be included in a harbour revision order if the object of the provision appears to the MMO to be one of the achievements of which will conduce to the efficient functioning of the harbour. The case for this is set out below as an integral justification for this article.</p> <p>The purpose of this article is to give the Company the flexibility, subject to obtaining the necessary rights in or over land, to exploit opportunities to develop land (including port land) to maximise the efficient utilisation, expansion and regeneration of the port.</p> <p>It should be noted that the powers in this article can only be exercised if <i>"it is conducive to the improvement, maintenance or management of the port in an efficient and economical manner"</i>. This limitation brings this article within the powers of section 14(2)(b) of the 1964 Act.</p> <p>Similar powers to those in this article were conferred in the Weymouth Harbour Revision Order 2021, the Poole Harbour Revision Order 2012 the Dover Harbour Revision Order 2014.</p>
<p style="text-align: center;">28</p>	<p>Paragraph (1) gives power to the Company for the</p>	<p>Paragraph (1), which is needed to manage the Port, is authorised by</p>

<p>Power to grant tenancies and to dispose of land</p>	<p>purposes of or in connection with the carrying on of the undertaking, to grant leases and other rights or interests over its land or other property forming part of the port.</p> <p>Paragraph (2) provides that the Company 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 port requirements; or it would conduce to the improvement, maintenance or management of the Port in an efficient and economical manner for the property to be held by a person other than the Company.</p>	<p>paragraph 3(a) of Schedule 2 to the 1964 Act which relates to powers conferred for the purposes of <i>“improving maintaining or managing the harbour”</i>.</p> <p>Paragraph (3)(a) is authorised by paragraph 9 of Schedule 2 to the 1964 Act:</p> <p><i>“Empowering the authority to dispose of property vested in them and held for the purposes of the harbour which is no longer required for those purposes.”</i></p> <p>It is considered that paragraph (3)(b) is authorised by paragraph 17 of Schedule 2 to the 1964 Act which enables a provision to be included in a harbour revision order if the object of the provision appears to the MMO to be one the achievement of which will conduce to the efficient functioning of the harbour. The case for this is set out as an integral part of the need for this article. Paragraphs (1) and (3)(a) are needed to enable the Company to manage the Port undertaking effectively.</p> <p>These powers are similar to the powers conferred in the Weymouth Harbour Revision Order 2021, the Poole Harbour Revision Order 2012 and the Dover Harbour Revision Order 2014.</p> <p>Paragraph (3)(b) would enable the Company to grant leases or transfer land or property to a subsidiary or other body. This power is needed to enable the Company to have sufficient flexibility in how to structure the port undertaking in the future. The power in paragraph (3)(b) is only exercisable if <i>“it would conduce to the improvement, maintenance, operation or management of the port in an efficient and economical manner”</i>. This limitation brings paragraph (3)(b) within the powers of section 14(2)(b) of the 1964 Act.</p>
<p>29</p> <p>Power to appropriate lands and</p>	<p>This article provides that the Company may from time to time for the purpose of or in connection with the management of the Port set apart and appropriate any part of the Port for the exclusive, partial or preferential use and accommodation of any particular trade, person,</p>	<p>Section 33 of the Harbours, Dock and Piers Clauses Act 1847 is incorporated into the Order (the Open Port Duty) and as such the Company remains under a duty to keep the Port open for the shipping and unshipping of goods, and the embarkment and landing of passengers. Therefore, the power of this article will only ever operate</p>

<p>works for particular uses etc.</p>	<p>vessel or class of vessels, or goods, subject to the payment of such charges and subject to such terms, conditions and regulations as the Company may think fit.</p>	<p>insofar as it does not otherwise conflict with the duty under section 33 of the 1847 Act.</p> <p>In addition, the power under this article must only be exercised for the “<i>purpose of or in connection with the carrying on of the port undertaking</i>” and not for wider purposes. This article is therefore within the scope of section 14(2)(b) in that it will assist the Company in the management of the Port in an efficient manner and facilitate the efficient and economic transport of goods and passengers by sea, again for Port purposes only.</p> <p>A similar provision can be found under article 31 of the Weymouth Harbour Revision Order 2021.</p>
<p>30</p> <p>Other commercial activities</p>	<p>Paragraph (1)(a) provides that the Company may carry on at any place a trade or business of any kind including a trade or business carried on in conjunction with another person. Paragraph (1)(b) enables the Company to form, invest in and promote, or join with another person in forming, investing in and promoting, a company for carrying on any part of the undertaking or carrying on at any place a trade or business of any kind. Paragraph (2) provides that a company established under paragraph (1)(b) may have powers to do anything necessary or expedient for the purposes of the objects for which it has been established notwithstanding that the Company would not itself (as harbour authority) have the power to do that thing.</p>	<p>Paragraph (1)(a) would assist the Company to maximise the potential of the port undertaking by enabling it to carry on any business which could conveniently be carried on with the port undertaking. For example, the Company could utilise and develop the skill and experience of its staff by providing services to other port undertakings or to carry out business activities which are incidental to running a port.</p> <p>Paragraph (1)(b) would enable the Company to carry on such a business as part of a joint venture with another person or persons, for example enabling the Company to contribute land and/or harbour related expertise to the venture while the other party contributes complementary specialist business expertise.</p> <p>The profits and revenues derived from the business ventures under this article would be used to improve and develop the harbour and ensure increased financial security.</p> <p>It should be noted that the powers in this article can only be exercised if:</p> <p><i>“it is conducive to the improvement, maintenance, operation or management of the port in an efficient and economical manner”.</i></p> <p>This limitation brings this article within the powers of section 14(2)(b)</p>

		<p>of the 1964 Act.</p> <p>Similar powers were conferred in the Weymouth Harbour Revision Order 2021 and the Dover Harbour Revision Order 2014.</p> <p>It is considered that this article is authorised by paragraph 17 of Schedule 2 to the 1964 Act which enables a provision to be included in a harbour revision order if the object of the provision appears to the MMO to be one the achievement of which will conduce to the efficient functioning of the harbour.</p> <p>The case for this is set out as an integral part of the justification for article.</p>
<p>31</p> <p>Power to delegate functions</p>	<p>This article provides that the Company may delegate the performance of any of its functions to be carried out by any such company as referred to in paragraph (1)(b).</p>	<p>This article is authorised by paragraph 9B of Schedule 2 to the 1964 Act:</p> <p><i>"Empowering the authority to delegate the performance of any functions of the authority except-</i></p> <ul style="list-style-type: none"> <i>(a) a duty imposed on the authority by or under any enactment;</i> <i>(b) the making of byelaws;</i> <i>(c) the levying of ships, passenger and goods dues;</i> <i>(d) the appointment of harbour, dock and pier masters;</i> <i>(e) the nomination of persons to act as constables;</i> <i>(f) functions relating to the laying down of buoys, the erection of lighthouses and the exhibition of lights, beacons and seamarks, so far as those functions are exercisable for the purposes of the safety of navigation."</i> <p>The power to delegate functions is needed to enable the Company 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</p>

		be delegated under paragraph 9B of Schedule 2 to the 1964 Act.
32 Bunkering	This article provides the Company with powers in relation to licensing those persons carrying out commercial refuelling activities related to vessels in the port.	<p>To comply with the environmental duties contained in s48A of the Harbours Act 1964, the Company considers that it is important that it has express powers to licence such activities so that proper risk assessments can be carried out and persons carrying out such activities can be required to comply with terms and conditions, designed to mitigate against risks associated with such activities (including environmental). Due to the fact that such operations are being carried out commercially and the potential environmental implications, it is considered that a level 4 fine is justified.</p> <p>Similar powers were conferred by article 35 of the Weymouth Harbour Revision Order 2021.</p>
33 Power with respect to disposal of wrecks	This article extends the powers of the Company under section of the 252 Merchant Shipping Act 1995. In particular, it extends the circumstances in which the Company may recover expenses reasonably incurred by it in exercising said power from the owner of any such vessel. The provision includes notice requirements to the owner of the vessel and a period in which the vessel owner may dispose of the vessel itself.	<p>This extension of the power in s252 of the Merchant Shipping Act is common and important if the Port is to be run in an efficient and economic manner consistent with section 14 of the 1964 Act. Similar provisions can be found in article 24 of the Portland Harbour Revision Order 1997.</p> <p>A similar power can be found under article 39 of the Weymouth Harbour Revision Order 2021.</p>
34 Power to deal with unseviceable vessels	This article provides that the Company may sell, break up or otherwise dispose of any vessel which is unseviceable and had been laid by or neglected in the Port or immediately adjoining the Port.	<p>This article applies in addition to the power under section 57 of the Harbours, Docks and Piers Clauses Act 1847 (unseviceable vessels to be altogether removed from harbour) and allows the Company to recover its costs for the exercise of removing unseviceable vehicles laid or neglected with the Port.</p> <p>This article is desirable in the interests of securing the improvement, maintenance or management of the Port in an efficient and economical manner or of facilitating the efficient and economic transport of goods or passengers by sea as required by section 14(2)(b) of the 1964 Act.</p> <p>A similar power can be found under article 40 of the Weymouth Harbour Revision Order 2021.</p>

<p>35</p> <p>Removal of obstructions other than vessels</p>	<p>This article provides that the Company 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 Port or its approaches. The provision deals with the recovery of costs by the Company of reasonable expenses incurred by it in relation to the exercise of the power and sale of the item(s) recovered.</p>	<p>This power is important in assisting the Company in meeting its duties with regard to navigational safety and the safety of port users, and important if the Port is to be run in an efficient and economic manner and therefore consistent with section 14 of the 1964 Act. Similar provisions can be found in article 8 of the Portland Harbour Revision Order 1997.</p>
<p>36</p> <p>Notices</p>	<p>This article sets out the process for serving any notices required under the Harbour Revision Order.</p>	<p>This article is conducive to the efficient management of the Port as required under section 14(2)(b) of the 1964 Act, clearly setting out the procedural requirements for Notices required under the Order.</p>
<p>37</p> <p>Saving for Trinity House</p>	<p>This article provides the standard saving provision for the rights of Trinity House.</p>	<p>No further justification required.</p>
<p>38</p> <p>Crown Rights</p>	<p>This article provides the standard saving provision for Crown Rights.</p>	<p>No further justification required.</p>
<p>39</p> <p>Saving Harwich Haven Authority</p>	<p>This article provides a saving provision for Harwich Haven Authority.</p>	<p>Harwich Haven Authority is a statutory harbour authority (Trust Port) and competent harbour authority (pilotage). Due to the overlap between the limits of the Company and those of Harwich Haven Authority, a savings provision is required to ensure the saving of the rights of Harwich Haven Authority, including in relation to its jurisdiction or any rights, powers, authorities or privileges.</p> <p>This article applies in conjunction with article 18 (Priority of directions) of the proposed HRO which settles the priority of directions i.e. that directions given by the Harwich Haven Harbour Master shall prevail over those by the Company's.</p>
<p>40 to 42</p> <p>Amendments</p>	<p>These sections make consequential amendments to the Harwich Haven Harbour Act 1974, the Act of 1956, and the Act 1963.</p>	<p>The amendments are necessary to complete the process of modernisation of the local legislation applying to the statutory harbour authority in conjunction with the provisions of the HRO and the repeals /revocations contained in article 43 and Schedule 2 of the HRO.</p>

		<p>These articles are authorised by Paragraph 3 of Schedule 3 of the 1964 Act:</p> <p><i>“Varying or abolishing duties or powers imposed or conferred on the authority by a statutory provision of local application affecting the harbour, being duties or powers imposed or conferred for the purpose of—</i></p> <p><i>(a)improving, maintaining or managing the harbour;</i></p> <p><i>(b)marking or lighting the harbour, raising wrecks therein or otherwise making safe the navigation thereof; or</i></p> <p><i>(c)regulating the carrying on by others of activities relating to the harbour or of activities on harbour land.</i></p>
<p>43</p> <p>Revocation / Repeal</p>	<p>This article provides for the repeal and revocation (as appropriate) of the local legislation listed in the Schedule referred to from the date of the HRO. These Acts and Orders (in so far as they are revoked) either are or will become obsolete once the HRO is fully in force.</p>	<p>This HRO is being promoted in accordance with the Port Marine Safety Code’s recommendation for harbour authorities to review and be aware of existing powers based in local and national legislation, seeking additional powers where necessary. The repeals set out in article 41 and the accompanying Schedule are required in conjunction with this HRO to complete the process of modernising the local legislation applying to the Company, providing the modernised powers and duties set out above which are consistent with section 14(2)(b) of the 1964 Act and which will assist the Company in meeting the recommendations of the Port Marine Safety Code.</p>

Table 4: Relevant policies, guidance and plans

Plan, policy or guidance	<i>Demonstration that application is compliant with relevant plan, policy or guidance.</i>
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Relevant Marine Plan (or Marine Policy Statement if no plan or draft plan available)

The Port is situated within the South East Inshore Marine Plan Area. Once published, Marine Plans become a material consideration and as such, it is considered in this Statement of Support in addition to the UK Marine Policy Statement. The relevant Marine Plan applying therefore is the South East Inshore Marine Plan, June 2021.

The proposed HRO is a non-works HRO (i.e. it does not authorise a plan or project). Its provisions are focused on modernising the Company's existing statutory powers to support the efficient and economical operation, maintenance, management and improvement of the Port. The HRO modernises the Company's enforcement powers. The modernisation amends the process by which such enforcement provisions can be made, amended and repealed (General Directions instead of/ in addition to byelaws).

The proposed HRO also clarifies the existing port limits to expressly include the port premises removing uncertainty over the exercise of the Company's enforcement powers above high water. The other provisions of the proposed HRO are predominantly administrative (such as general functions; charging powers; powers of development of land; and powers in relation to establishing advisory bodies, bunkering, etc.). As such, it is expected that the effects of the proposed HRO on the South East Inshore Marine Plan area will be very limited and that any effects will be positive as the proposed HRO supports the economic and efficient management of the Port (including with respect to environmental considerations). A brief summary of compliance is nevertheless set out below.

Compliance with UK Marine Policy Statement

The UK Marine Policy Statement ('MPS') sets out (in section 2.1) that the UK vision for the marine environment is for '*clean, healthy, safe, productive and biologically diverse oceans and seas.*' The core purpose of the proposed HRO is to modernise the Company's enforcement powers enabling it to keep its enforcement provisions under review and to update, amend and repeal them in a more timely and efficient manner than through byelaws. This will support the Company in ensuring it meets both its environmental duties under s48A of the Harbours Act 1964 and compliance with the Port Marine Safety Code. Both of which will support the vision of ensuring that the marine environment is kept '*clean, healthy, safe, productive and biologically diverse.*' The provisions of the proposed HRO also support the following high-level objectives contained in the MPS:

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

(D) **Promoting good governance:** Marine businesses are subject to clear, timely, proportionate and, where appropriate, plan-led regulation.

Compliance with the South East Inshore Marine Plan

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

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

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

Insert other relevant plans/policy/guidance in this section

Port Marine Safety Code

Please see our comments earlier in this Statement in Support relating to the Port Marine Safety Code (Table 3a).

Table 5: Any other relevant information

No formal pre-application consultation.

In addition to the specific provisions of Schedule 2 to the 1964 Act, paragraph 17 of Schedule 2 provides that a Harbour Revision Order may include provision for:

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

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