



Samantha Woods
Winckworth Sherwood LLP
(email only)

Our reference:
HRO/2020/0001

21 February 2025

Dear Ms Woods,

The Harbours Act 1964
The Port of Southampton Harbour Revision Order

1. The Marine Management Organisation (“the MMO”) informs you that consideration has been given to the application for the Port of Southampton Harbour Revision Order (“the Order”) for which you applied on behalf of Associated British Ports (“the applicant”), under Section 14 of the Harbours Act 1964 (“the Act”) on 12 June 2020.

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 would confer modernised powers on the applicant considered conducive to the efficient and economical operation, maintenance, management and improvement of the Port of Southampton (“the Port”). In particular, the Order would confer modern powers on the applicant to give general directions to vessels, persons, and vehicles using the Port, together with powers exercisable by the harbour master appointed by the applicant to give special directions to vessels. The Order also updates the limits of the port to include the dock estate and updates the definitions within the Southampton Harbour Act 1887 to align it with modern drafting standards.

Context

4. The applicant is Associated British Ports (“ABP”), the statutory harbour authority responsible for the Port and operates under the Southampton Harbour Acts 1863-1939.
5. The applicant is responsible for the administration, maintenance, and improvement of the Port.
6. The Port is located within Southampton in the South of England on the river Test. The Port is a key gateway to and from the European ports. In addition to freight and



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passenger traffic handled by the Port's ferry, cruise and cargo businesses, the Port also provides facilities for resident and visiting recreational craft and for small commercial vessels.

7. The applicant conducted a review of their local legislation and identified a need to clarify the definition of harbour limits to expressly include the dock estate and to confer additional powers on themselves to assist in the management of the Port.
8. The Harbour Revision Order is sought to achieve various objects specified in Schedule 2 to the Act, these are listed in Annex II.

Application procedure

9. On 12 June 2020, an application for the Order was submitted to the MMO by Winckworth Sherwood LLP on behalf of the applicant.
10. Notice of the application for the Order was advertised in the London Gazette on 26 April 2021 and in the Southern Daily Echo on 26 April 2021 and 3 May 2021.
11. MMO consulted the following bodies, their responses are summarised below:

| Organisation | Response received and actions |
|--|--|
| British Ports Association | No response was received. |
| Chamber of Shipping | No response was received. |
| Department for Transport ("DfT") | No objections to the Order. |
| Eastleigh Borough Council | No response was received. |
| Fareham Borough Council | No objections to the Order. |
| Health and Safety Executive | No response was received. |
| Maritime and Coastguard Agency ("MCA") | MCA objected to the use of general directions being applied to vehicles. The MMO requested clarity from the Department for Transport, who confirmed that general directions may be used in this way. |
| New Forest District Council | No response was received. |
| Royal Yachting Association ("RYA") | The RYA objected to powers of the harbour master and the definitions in the Order. Following amendments to the Order, the RYA withdrew their objections. |
| Southampton City Council | No response was received. |
| Trinity House ("TH") | TH requested that the saving provision for TH be added to the Order. This was done and TH confirmed they have no objections to the Order. |
| UK Major Ports Group "UKMPG" | No response was received. |

Public representations

12. Two public representations were received within the statutory 42 day period provided for in Schedule 3 to the Act.

13. The first representation requested clarification regarding the Statement in Support of the application, in relation to the map provided and the boundaries proposed by the applicant. The representative raised that the map did not show the extent of the dock estate and wanted confirmation that the Port limits did not include the area of Dibden Bay.
14. The second representation stated that the granting of additional powers to the Port would infringe on their rights and freedoms.
15. Following the expiry of the consultation period for objections set out in the Act, the applicant engaged with the members of the public who provided the representations.
16. The applicant contacted the first member of the public to explain the extent of the dock estate and confirmed to them that Dibden Bay was not within the Port limits. No further response was received from this member of the public.
17. The applicant contacted the second member of the public to explain that the Port already had statutory powers under the existing legislation and that the additional powers being sought would interfere with rights and freedoms only to the extent necessary to ensure the safety of those using the Port. No further response was received from this member of the public. The MMO is satisfied that the applicant has adequately addressed the comments

MMO consideration

18. The MMO discussed the provisions in the Order with the applicant, such as the amendments and repeal of existing local legislation, the procedure for giving, amending or revoking general directions and the application of general directions to vehicles and persons.
19. The MMO has considered the application in relation to the South Marine Plan and is content that the application is in accordance with that marine plan.
20. The MMO consulted with DfT, who confirmed that they were content with general directions being used to regulate vehicles in a harbour. The DfT subsequently issued updated accompanying guidance to the Port Marine Safety Code (PMSC) on 1 August 2022 to clarify the application of general directions.
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 for the reasons set out by the applicant in their statement of support, and summarised 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.

26. 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

27. Information on the right to challenge this decision is set out in Annex I to this letter.

Yours Sincerely



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Annex I

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 or the Court of Session, as the case may be.

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.

Annex II

Objects for whose achievement Harbour Revision Orders may be made within the Harbours Act 1964, Schedule 2

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".