



Helen Hetherton  
Bryan Cave Leighton Paisner LLP  
(by email only)

Our reference:  
HRO/2023/00001

16 May 2025

Dear Ms Hetherton

**The Harbours Act 1964  
The Folkestone Harbour Revision Order (Amendment) Order**

1. The Marine Management Organisation (“the MMO”) informs you that consideration has been given to the application for the Folkestone Harbour Revision Order (Amendment) Order (“the Order”) for which you applied on behalf of Folkestone Harbour Company Limited (“the applicant”), under Section 14 of the Harbours Act 1964 (“the Act”) on 3 March 2023.

**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 corrects drafting errors made in Articles 12(2), 14(2) and 15(2) of the Folkestone Harbour Revision Order 2017 (S.I. 2017/601), (“the 2017 Order”).

**Context**

4. Folkestone Harbour Company Limited is the Statutory Harbour Authority (“the SHA”) for the Harbour.
5. The applicant is responsible for the maintenance, management and improvement of the Harbour.
6. The Harbour is located on the South East Coast of England.
7. The 2017 Order was made to authorise works within Folkestone Harbour, modernise and extend the powers of the SHA and to define the limits of the Harbour.
8. The 2017 Order did not reflect the changes made by section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 which removed the upper limits on



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finesthat can be imposed on summary conviction where that limit is expressed as the “statutory maximum”.

9. The MMO held a discussion with Bryan Cave Leighton Paisner LLP regarding the drafting errors in the 2017 Order. The MMO confirmed that an Amendment Order application would need to be made under Object 17 of Schedule 2 of Harbours Act 1964. The MMO noted that the Amendment Order would only be a correction and would not otherwise amend or revoke the 2017 Order.
10. An Amendment Order was needed to remove references to the “statutory maximum” in relation to the imposition of fines.
11. The Order is sought to achieve various objects specified in Schedule 2 to the Act, these are listed in Annex II of this letter.

### Application procedure

12. On 3rd March 2023, an application for the Order was submitted to the MMO by Bryan Cave Leighton Paisner LLP on behalf of the applicant.
13. Notice of the application for the Order was advertised in the London Gazette on 9th May 2024 and in the Folkestone Herald on 9th May 2024 and 16th May 2024
14. MMO consulted the following organisations, their responses are summarised below:

Organisation	Response received and actions
British Ports Association	No comments to make
Chamber of Shipping	No comments to make
The Crown Estate (“TCE”)	No comments to make
Department for Transport (“DfT”)	No comments to make
Folkestone and Hythe District Council	No comments to make
Health and Safety Executive	No comments to make
Maritime and Coastguard Agency (“MCA”)	No concerns with the Order
Royal Yachting Association (“RYA”)	No objections to the Order
Trinity House (“TH”)	No response was received
UK Major Ports Group	No response was received

### Public representations

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

## **MMO consideration**

16. Following the MMO's review of the draft Order, amendments were made by the applicant to amend the Order so that the text was in line with the text in more recently made Orders.
17. The MMO has considered the application in relation to the South Marine Inshore and Offshore Marine Plans and is content that the application is in accordance with those marine plans.
18. 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.
19. 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 in the harbour or body representative of persons appearing to it to have such an interest.
20. 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 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**

21. The MMO is satisfied that the Order meets the requirements of section 14(1) and 14(2)(a) of the Act.
22. The MMO is satisfied that there are no objections to the application for the Order.
23. The MMO is satisfied for the reasons set out by the applicant in their Statement in 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.
24. 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**

25. 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**

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.