



Lara Moore
Ashfords LLP
(By email only)

Our reference:
HRO/2020/00008

17 June 2025

Dear Ms Moore,

The Harbours Act 1964
The Chichester Harbour Revision Order 2025

1. The Marine Management Organisation (“the MMO”) informs you that consideration has been given to the application for the Chichester Harbour Revision Order (“the Order”) for which you applied on behalf of Chichester Harbour Conservancy (“the applicant”), under Section 14 of the Harbours Act 1964 (“the Act”) on 13 April 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 would confer modernised powers on the applicant considered conducive to the efficient and economical operation, maintenance, management and improvement of Chichester Harbour (“the Harbour”). In particular, the Order would confer modern powers on the applicant to give general directions to vessels, persons, and vehicles using the Harbour, together with powers exercisable by the harbour master appointed by the applicant to give special directions to vessels. These powers are required to support the effective management of the Chichester Harbour as recommended in the Port Marine Safety Code¹ (“PMSC”).

In April 2025, the Department for Transport released an updated version of the PMSC. The new Ports & Marine Facilities Safety Code² provides renewed policy guidance that continues to uphold and reinforce the core principles of the PMSC. The MMO has reviewed the updated guidance and is satisfied that it remains consistent with the established safety and operational standards promoted by the guidance. The MMO

¹ Port Marine Safety Code 2016:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1032153/port-marine-safety-code.pdf.

² Ports & Marine Facilities Safety Code 2025:

<https://assets.publishing.service.gov.uk/media/67fd175bed87b81608546666/port-marine-safety-code.pdf>.



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therefore considers it appropriate and justified to take the decision to make this instrument.

The Order also updates the limits of the Harbour to include the Harbour estate and grants the applicant modernised charging powers.

Context

4. The applicant is Chichester Harbour Conservancy. They are classed as Trust Port by the Department for Transport (DfT) and are the Statutory Harbour Authority responsible for the Harbour operating under the Chichester Harbour Conservancy Act 1971.
5. The applicant is responsible for the administration, maintenance, and improvement of the Harbour.
6. The Harbour is located in the South of England, from Fishbourne in the East to Langstone Harbour in the West, and to Eastoke Point in the South.
7. The Harbour is used mainly for leisure with a resident fleet of over 11,000 leisure vessels and 14 sailing clubs. Each year approximately 25,000 people enjoy the Harbour's waters for racing, cruising and fishing. There is a limited amount of commercial fishing taking place in the Harbour.
8. The applicant conducted a review of their local legislation and identified a need to clarify the definition of harbour limits to expressly include the harbour estate and to confer additional powers on themselves to assist in the management of the Harbour.
9. The Harbour Revision Order ("HRO") is sought to achieve various objects specified in Schedule 2 to the Act; these are listed in Annex II of this letter.

Application procedure

10. On 13 April 2021 an application for the Order was submitted to the MMO by Ashfords LLP on behalf of the applicant.
11. Notice of the application for the Order was advertised in the London Gazette on 3 June 2021 and in the Chichester Observer on 3 June 2021 and 10 June 2021. A 42-day consultation ran from 3 June 2021 until 14 July 2021.
12. MMO consulted the following organisations, their responses are summarised below:

Organisation	Response received and actions
British Ports Association	No response received.
Chamber of Shipping	No response received.
Chichester District Council	No response received.
Department for Transport ("DfT")	No response received.
Maritime and Coastguard Agency ("MCA")	MCA had no concerns as the application was in accordance with the PMSC and its Guide to Good Practice (GTGP). The MCA noted that the DfT had issued updated

	accompanying guidance to the PMSC on 1 August 2022 to clarify the application of general directions.
Royal Yachting Association (“RYA”)	The RYA raised no objection but advised some additions may be necessary. Specifically, the inclusion of a definition of personal watercraft and the explicit permission to extinguish fires on-board vessels.
Trinity House (“TH”)	TH had no objection to the Order.
UK Major Ports Group “UKMPG”	No response received.

Public representations

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

MMO consideration

14. The MMO discussed the provisions in the Order with the applicant, such as, definitions of personal watercraft, the details of when the illustrative map becomes available, typographical errors and ensuring that the provisions were in line with more recently made orders.
15. 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.
16. 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.
17. 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.
18. 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

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

20. 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.
21. 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

22. 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".

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".