



Marine
Management
Organisation

Statement in Support of Harbour Revision Order (HRO) Application

Table 1: Application details

1. Date application made to MMO	14 February 2025
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	The Dover Harbour Board
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

d. If screened in, date when scoping opinion was issued by MMO	N/A
e. If screened in and if an optional ES review was undertaken, date when review was completed by MMO	N/A
7. Non-technical summary – please explain what you are seeking to achieve in this application in no more than 200 words.	<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 (‘the 1964 Act’) as delegated to the Marine Management Organisation by the Harbours Act 1964 (Delegation of Functions) Order 2010 (S.I. 2010/674).</p> <p>The proposed Order would update the constitution and general functions of the Dover Harbour Board. It would also confer upon it modernised powers conducive to the efficient and economic operation, maintenance, management and improvement of Dover Harbour. For example, it would confer modern powers to give general directions to vessels, persons and vehicles using Dover Harbour and powers exercisable by the harbour master to give special directions. In respect of general directions related to the area below mean high water spring tides, these powers support the effective management of Dover Harbour as recommended by the Port & Marine Facilities Safety Code. In relation to vehicles and harbour operations ashore, they are consistent with the powers in section 14(3) (relating to penal provisions), the environmental duties under section 48A, and paragraph 16A of Schedule 2 (enabling harbour revision orders to confer powers for environmental conservation), to the 1964 Act.</p>
8. Location (coordinates must be provided in WGS84 format if this is a works order)	Dover Harbour (“the Harbour”)
9. State the title of all relevant charts/maps/plans included with	Harbour Limits Plan Harbour Premises Plan

application (if appropriate)	
10. State the legislation relevant to the harbour authority and included with this application (if appropriate)	<ol style="list-style-type: none"> 1. Dover Harbour Consolidation Act 1954 (“the 1954 Act”) 2. Dover Harbour Revision Order 1969 (“the 1969 Order”) 3. Dover Harbour Revision Order 2006 (“the 2006 Order”) 4. Dover Harbour Revision Order 2012 (“the 2012 Order”) 5. Dover Harbour (Constitution) Revision Order 2016 (“the 2016 Order”) <p>A list of the legislation applicable to the Dover Harbour Board, in its capacity as statutory harbour authority, is contained for information purposes in <i>Table 5: Any other relevant information</i>. However, only the legislation listed above is impacted by the proposed Order. As such, it is the only legislation included as part of this application.</p>
11. If you have received any pre-application guidance from the MMO in relation to this application please briefly describe this here.	N/A
12. Have you included the required fee for your application?	£15,579 by BACS.

Table 3: statutory harbour authority background

<p>The statutory harbour authority:</p> <p>The Dover Harbour Board, as statutory harbour authority for the Harbour, was reconstituted under Part II of the 1954 Act which provided under section 7 that the Dover Harbour Board shall continue to be incorporated as a body corporate with perpetual succession and a common seal. Although the Dover Harbour Board continues to be incorporated under that section, it was most-recently reconstituted under the 2016 Order where the majority of its constitutional provisions can be found. For ease of reference, the Dover Harbour Board, in the exercise of its statutory harbour authority functions at the Harbour, is referred to as “the Board” throughout this Statement in Support.</p> <p>The Board is governed by its own local legislation, listed for information purposes in <i>Table 5: Any other relevant information</i>. The Board is responsible for the administration, maintenance and improvement of the Harbour, which is further described below. The Board is also the local lighthouse authority for the Harbour and surrounding areas and a competent harbour authority under the Pilotage Act 1987.</p>
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In managing the Harbour, the Board strives to observe industry standards set out in Government guidelines. The Board is committed to complying with the principles of the various codes and reports applying to the ports and harbours industry.

The Harbour:

The Harbour is situated in the county of Kent on the south-east tip of England and in close proximity to the Continent. The Harbour has always been of importance to cross-channel traffic and the history and origins of the Harbour can be traced right back to Roman times. Since then, the Harbour has grown and evolved through the centuries to what it is today - one of the world's premier ports, a key gateway to and from the European mainland by which a large proportion of the UK's cross-channel freight and passengers can enter or leave the UK.

The history of the Harbour since the Second World War has been one of expansion and development to keep pace with the demands from passengers, tourist cars, and roll-on roll-off freight. The introduction of double-deck berths and further redevelopment of the ferry terminal led to the construction of further berths in 2005 which were opened by Her Majesty Queen Elizabeth II. Since then, the Harbour has experienced huge transformation and growth, and with a very substantial increase in freight traffic, the Harbour is now a very significant major international transport hub for the movement of people and goods. Additional works were most-recently authorised under the Dover Harbour Revision Order 2022 which included the power to construct and maintain a wave wall within the Harbour.

In 2019 (pre-Covid), the Port received around 17,300 vessels and handled 2.4 million commercial road haulage vehicles and 11.1 million passengers. Its Group revenue was £71.5 million. The value of freight traffic through the Harbour is up to £122 billion per year and up to 17% of the UK's trade in goods. The Harbour is crucial to the UK's economy and national resilience in terms of trade flows, with the value of the connectivity it provides estimated to be worth up to £3 billion. In addition, the Harbour is a major employer in the region, supporting approximately 22,000 jobs, over 90% of which are in Kent and around half of which are in Dover. In addition to freight and passenger traffic handled by the Harbour's ferry, cruise and cargo businesses, the Harbour also provides facilities for resident and visiting recreational craft and for small commercial vessels in three existing marinas with a combined capacity of 400 berths. Due to its location, the Harbour is one of the first ports of call for recreational vessels arriving from Europe and one of the last ports for vessels transiting to Europe. The marina also provides a base for the RNLI's offshore lifeboat which covers the adjacent section of the English Channel.

Table 3a: Need and justification for order

Port & Marine Facilities Safety Code:

As the harbour authority for the Harbour, the Port & Marine Facilities Safety Code (April 2025) published by the Department for Transport (**'the Code'**) applies to the Board as well as to all statutory harbour authorities and other marine facilities, berths and terminals in the UK.

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.

For the reasons set out throughout this Statement of Support, particularly those reasons which specifically refer to the Code, the Board considers the HRO is in line with the guidance and recommendations of the Code.

The Board is seeking to obtain modern powers of General Direction to enable it to have a set of general directions covering the Harbour instead of having separate byelaws and directions. Designation with powers of General Direction is an important tool which will assist the Board with compliance with the Code 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 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 of 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 harbour 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 harbour; and
- (ii) the making of the HRO is desirable in the interests of securing the improvement, maintenance or management of the Harbour in an efficient and economical manner.

General:

The proposed Order would modernise and extend the powers of the Board considered conducive to the efficient and economical operation, improvement, maintenance or management of the Harbour. It would confer modern powers on the Board to give general directions to vessels using the Harbour, and persons and vehicles using the Harbour, together with powers exercisable by the harbour masters appointed by the Board to give special directions. It would also update the constitution and general functions of the Board and provide other modern powers relating to dredging, disposal of wrecks, provisions as to moorings, modern exemptions from harbour dues, the power of the Board to prosecute or defend legal proceedings and provisions in relation to the harbour premises. Additionally, the definition of “*harbour premises*” is flexible under the proposed Order, meaning that if further harbour land within the definition of “*harbour premises*” included in the proposed Order was purchased in the future (or sold, if no longer required for harbour purposes), such land would automatically become (or cease to be) part of the harbour undertaking.

It is considered that it is desirable in the interests of securing the improvement, maintenance or management of the Harbour in an efficient and economical manner that the Board is provided with a set of modern flexible statutory powers contained within the proposed Order. A number of the modernised and additional powers are reflective of those contained in modern Harbour Revision Orders (“**HROs**”). Other HROs which contain some similar provisions include the Cornwall Harbours Harbour Revision Order 2023, the Weymouth Harbour Revision Order 2021, the Poole Harbour Revision Order 2012 and the Cowes Harbour Revision Order 2012. They include standard statutory harbour powers, such as powers of general direction and special direction, powers to dredge, and powers related to the removal of wrecks.

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
2	This article contains definitions which apply throughout the proposed Order to assist with its interpretation.	Article 2 is required to enable the proposed Order and its effect to be properly interpreted.

Interpretation		
<p>3</p> <p>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.</p> <p>Those sections included predominantly relate to:</p> <ul style="list-style-type: none"> • Power to construct warehouses and other works (section 21). • Rates (sections 27 and 33). • Collection of rates (sections 34, 36, 39, 40, 43 to 46 and 48). • Harbour, dock and pier master (sections 51 to 53, 56 to 58 and 63 to 65). • The discharge or cargoes, removal of goods and the protection of the harbour, dock and pier (sections 68, 74 and 76). • Harbour and dock police (section 79). • Meters and weighers (sections 81 and 82). • Byelaws (section 83). • Recovery of damages and penalties (section 94). 	<p>This is an incorporation clause of the Harbours, Docks and Piers Clauses Act 1847 (‘the 1847 Act’).</p>
<p>4</p> <p>Constitution</p> <p>5</p> <p>Transitional arrangements</p>	<p>Article 4 alters the composition of the Board. The effect of this provision is that the number of Secretary of State appointments to the Board is being reduced from 3 to 1, and the number of the appointments made by the Board is being increased from 4 to 6. The total number of members of the Board will therefore remain the same. The Secretary of State will remain responsible for the appointment of the chair of the Board.</p> <p>At present, there is a requirement under article 4(5) of the 2016 Order for two of the directors appointed under article 4(1)(c) to be persons who appear to the Board as having special knowledge or experience of the position of the harbour within the local community and local economy. Article 4(5) is being omitted under the proposed Order and, instead, having special knowledge</p>	<p>Several changes are being made under the proposed Order in line with the Department for Transport (‘DfT’)’s Trust Port Study – Key Findings and Recommendation, published May 2016 (‘the Trust Port Study’).</p> <p>Under the proposed Order, the Secretary of State will only appoint the chair to the Board. The remaining members will include the chief executive, six directors appointed by the Board, and one other senior officer employed by the Board.</p> <p>Although there will now be fewer Secretary of State-appointed members, the proposed Order still includes a requirement for the chair to be appointed by the Secretary of State. This recognises the DfT as a key stakeholder and reflects the importance of having a mechanism for Secretary of State appointments, as stated at paragraph 2.10 of the Trust Port Study. This change is supported by the conclusions set out in paragraphs 2.19 to 2.21 which generally set out how the Secretary</p>

	<p>or experience in “<i>the position of the harbour within the local community and local economy</i>” has been inserted as one of the matters referred to in article 4(10) for simplicity.</p> <p>Article 5 is a transitional provision required to ensure that article 4 operates correctly, particularly in the interim period between the date of the proposed Order and the termination of the terms of the current members of the Board.</p>	<p>of State’s involvement in appointing members, particularly NEDs, is excessive and not the most appropriate or effective way to deliver accountability of Trust Ports.</p> <p>In addition, the reduction of Secretary of State appointments to chair-only is supported by paragraph 2.25 of the Trust Port Study, as follows:</p> <p><i>This approach enables Minsters to retain accountability by appointing the Chair at each of the nationally significant trust ports, but reduces the administrative and time costs associated with Ministerial appointment of NEDs. This is the preference of the nationally significant trust ports who in general do not perceive significant added value in appointments beyond a Chair. It follows the approach put in place at Milford Haven in 2012. A potential concern is that just appointing the Chair at each port may not deliver the level of accountability Ministers desire, although this could be mitigated by other changes in the relationship, as discussed in section 3 below”.</i></p> <p>The recommendations discussed in section 3 of the Trust Port Study include:</p> <p><i>Recommendation 4: There should be regular one to one meetings between the Chair of a nationally significant trust port and the Minister</i></p> <p><i>Recommendation 5: A standard agenda should be created as a basis for the meetings between Chairs and the Minister</i></p> <p><i>Recommendation 6: There should be annual round-table meeting between the Minister and Chairs of the nationally significant trust ports.</i></p> <p><i>Recommendation 7: DfT officials should continue to attend annual stakeholder events of all Major Trust Ports.</i></p> <p>Each of these recommendations are already being met by the current</p>
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		<p>chair and the Minister.</p> <p>This constitutional change is therefore compliant with the recommendations of the Trust Port Study. Practically, article 5 sets out the transitional arrangements to facilitate this change to the constitution. Under this article, the existing members of the Board shall continue to remain on the Board until the end of their current terms, subject to article 5(2) of the proposed Order and paragraphs 4 and 5 of Schedule 2 to the 2016 Order.</p> <p>These articles are considered to be conducive to the efficient and economical operation, maintenance, management and improvement of the Harbour.</p> <p>These articles are authorised by paragraph 1 of Schedule 2 to the 1964 Act:</p> <p><i>Reconstituting the harbour authority by whom the harbour is being improved, maintained or managed or altering their constitution, or establishing, as the harbour authority, in lieu of the existing one, an existing body designated in that behalf or a body constituted for the purpose.</i></p>
<p>6</p> <p>General functions</p>	<p>This article provides that the Board may take such steps as it considers necessary or desirable for the maintenance, operation, management and improvement of the Harbour, its approaches and facilities.</p>	<p>For those purposes, this article authorises the Board to improve maintain, regulate, manage, mark and light the Harbour, provide harbour facilities, carry out various activities related to works, structures and equipment at the Harbour (including the harbour premises) including to retain the same, and to do all other things which in its opinion is expedient to facilitate the proper operation, improvement or development of the Harbour including acquiring land. Although the Board has implied powers to acquire land for the Harbour, it is sensible to include an express reference to the power within the proposed Order.</p> <p>The definition of “<i>harbour facilities</i>” highlights the importance of the fishing, leisure, energy, fuel and alternative power, recreational and tourism industries to the future viability of the Harbour. The express</p>

		<p>reference to energy, fuel and alternative power makes it clear that the provision of related facilities (such as cold ironing and shoreside power) are within the scope of the general purposes of the Board (note that the HRO does not authorise any works). This will align with the general purposes of other harbour authorities and contribute to the UK Government's ambitious target of bringing all greenhouse gas emissions to net-zero by 2050. It also supports the Board's ambitious 'Target 2030' which looks to ensure that there is no net release of carbon to the atmosphere arising from the Harbour by 2030. Furthermore, it is reflective of:</p> <ul style="list-style-type: none"> • the Port of Dover's Sustainability Strategy: Targeting Our Sustainable Future (April 2024); and • the Board's Safety, Health, Environment and Quality Policy Statement (March 2024), <p>by enabling the supply of alternative fuels, utilising renewable energy sources wherever possible, and minimising carbon emissions with a view to realising the Board's aspiration to facilitate a zero-carbon trade route with its French sister ports of Calais and Dunkirk through a so-called "Green Corridor".</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 Board'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. A similar provision can be found under article 5 of the Cornwall</p>
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		<p>Harbours Harbour Revision Order 2023 and article 5 of the Weymouth Harbour Revision Order 2021.</p> <p>Specifically relating to the power to invest contained in paragraph (2), this provision provides that where there are monies which are not immediately required by the Board for the purposes of the harbour undertaking, the Board can invest such monies as it thinks fit. This power allows the Board to make such investments as it considers fit using any monies which aren't immediately required for the purposes of the harbour undertaking. Such monies may include, for example, monies held in the reserve fund established under article 11 of the 2014 Order.</p> <p>It is considered that this article is desirable in the interests of securing the improvement, maintenance or management of the Harbour in an efficient and economical manner, as required by section 14(2)(b) of the 1964 Act, because it will allow the Board to invest to maximise the funds available to it for the benefit and future of the Harbour. Similar provisions already exist under local harbour legislation in England, such as section 12 of the Blyth Harbour Act 1986 and article 18 of the Falmouth Harbour Revision (Constitution) Order 2004. 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 its 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>
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<p>7</p> <p>Power to make general directions as to the use of the harbour, etc.</p>	<p>These articles provide the Board with modern powers of General Direction which also cover vehicles for the ease, convenience or safety of <i>‘harbour operations ashore’</i>, as defined under article 2 of the proposed Order, and modernised powers of Special Direction. The provisions also set out the consequences of failing to comply with a general direction or a special direction.</p>	<p>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 requirement under article 8 of the proposed Order to consult the ‘Dover Port Users Group’ defined in article 2, it contains a strong local consultation requirement.</p>
<p>8</p> <p>Procedure for giving, amending or revoking General Directions</p>		<p>Therefore, the Board is applying for a modernised power of General Direction that will enable the Board to have in place a single set of general directions. In line with best practice, these articles provide a statutory right for ‘designated consultees’ to be consulted about proposed general directions (see article 8(1)(a) and (b)). As stated above, the Dover Port Users Group will be one of the ‘designated consultees’ alongside the Chamber of Shipping and the Royal Yachting Association.</p>
<p>9</p> <p>Publication of General Directions</p>		<p>General directions can be made over the entirety of the Harbour (which includes the harbour premises). Any future exercise of this power will be exercised in accordance with article 8. This means that representations received from the designated consultees will be considered by the Board 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 8. The process contained in article 8 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, Fowey Harbour Revision Order 2021 and the Dart Harbour and Navigation Harbour Revision Order 2021 and the Cornwall Harbours Harbour Revision Order 2023.</p>
<p>10</p> <p>Special Directions</p>		<p>In terms of the precise scope of general directions, it will be seen that article 7(1) would allow the Board to give a direction for:</p>
<p>11</p> <p>Failure to comply with directions and byelaws</p>		<p><i>“...the ease, convenience or safety of navigation; the safety of persons; the protection of property, flora or fauna; the ease, convenience or safety of harbour operations ashore, within the harbour”.</i></p>

<p>12</p> <p>Enforcement of directions</p> <p>13</p> <p>Master's responsibility in relation to directions</p> <p>14</p> <p>Boarding of vessels and vehicles</p>		<p>In relation to vehicles and harbour operations ashore, such a scope is consistent with the powers in section 14(3) (relating to penal provisions), the environmental duties placed on harbour authorities by virtue of section 48A, and paragraph 16A of Schedule 2 to the 1964 Act (which enables a harbour revision order to confer powers for environmental conservation within the harbour).</p> <p>Article 11 sets out the maximum fine level (level 4 on the standard scale) for failure to comply with a general direction once made and provides that the Board may impose a fine up to level 4 on the standard scale for breach of byelaw made or amended after the date of the Order. The Board already has byelaw making powers (for example, under section 83 of the 1847 Act) and it is already entitled to impose fines of up to level 4 on the standard scale (section 57 of the Criminal Justice Act 1988). As such, a level 4 fine for the breach of a general direction is considered justified.</p> <p>Article 13 is consistent with section 14(2)(b) of the 1964 Act for the proposed Order to be desirable for the improvement, maintenance and management of the Harbour in an efficient and economical manner as it expressly imposes the Master's own responsibility in relation to directions. A similar provision can be found under article 37 of the Cornwall Harbours Harbour Revision Order 2023, article 10 of the Shoreham Port Authority Harbour Revision Order 2021 and article 10 of the Lymington Harbour Revision Order 2014.</p> <p>Article 14 provides that a duly authorised officer of the Board may, on producing if so required their authority, enter and inspect a vessel or vehicle in the Harbour for the purposes of any enactment relating to the Harbour (including any enactment so relating contained in subordinate legislation) or of any byelaw or general direction of the Board relating to the Harbour, including the enforcement of any such enactment, byelaw or general direction. Such a power will be useful to the Board where a person has failed to comply with byelaws, special directions or general directions. The Board must be afforded the power to board relevant vessels and vehicles for the purposes of enforcing those byelaws, special directions and general directions. The rationale for including the</p>
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		<p>power of entry into vehicles as well as vessels is that, just like vessels, there may be circumstances in which a vehicle needs to be entered to ensure that general directions or byelaws made in respect of it have been complied with. For example, entry to the back of a lorry to ensure that a general direction related to ensuring loads are properly secured and supported has been complied with. The exercise of the provision is safeguarded by the notice requirements contained in paragraph (2) and the inclusion of the words <i>“for the purposes of any enactment relating to the harbour (including any enactment so relating contained in subordinate legislation) or of any byelaw or general direction of the Board relating to the harbour”</i> in paragraph (1) as the power can only be exercised for those purposes.</p> <p>A similar provision can be found under article 63 of the Cornwall Harbours Harbour Revision Order 2023.</p>
<p>15</p> <p>Saving for existing directions, byelaws etc.</p>	<p>Due to the proposed repeal of some of the local legislation currently in force in respect of the Harbour, 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 the proposed Order.</p> <p>This provision is incidental to the power to make 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 Harbour in an efficient and economical manner.</p> <p>A similar provision can be found under article 38 of the Cornwall Harbours Harbour Revision Order 2023 and article 11 of the Shoreham Port Authority Harbour Revision Order 2021.</p>
<p>16</p> <p>Power to dredge</p>	<p>This article provides the Board with a modern power to dredge the Harbour.</p>	<p>The power to dredge is a standard statutory harbour power and, under its existing local legislation (for example, section 46 of the 1954 Act), the Board already has the power to dredge with respect of the Harbour.</p> <p>This provision is not a ‘new’ power; it simply provides clarity over the extent of the Board’s power to dredge the Harbour. It does not provide for additional jurisdiction to dredge in areas where the Board does not</p>

		<p>already have the power to do so.</p> <p>It is conducive to the management of the undertaking in an efficient manner (as required by section 14(2)(b) of the 1964 Act) for the power to be included in the proposed Order.</p> <p>It is important that the Board is provided with a power to dredge, reflective of modern provisions, so that it is able to dredge if and when required, and 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 economic transport of goods or passengers by sea as required by section 14(2)(b) of the 1964 Act.</p> <p>If dredging is carried out at the Harbour under this provision in the future, then in line with section 75 of the Marine and Coastal Access Act 2009, the Board will not need to obtain a marine licence for the dredging activities at the Harbour (which is the same as the current position). However, if disposal to sea is required in the future, then a marine licence will continue to be required for this disposal.</p> <p>A similar dredging power can be found under article 50 of the Cornwall Harbours Harbour Revision Order 2023 and article 37 of the Weymouth Harbour Revision Order 2021.</p>
<p>17</p> <p>Power with respect of disposal of wrecks</p>	<p>This article extends the powers of the Board under section 252 of the Merchant Shipping Act 1995. In particular, it extends the circumstances in which the Board may recover expenses reasonably incurred by it in exercising the 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>	<p>This extension of the power in section 252 of the Merchant Shipping Act 1995 is common and important if the Harbour is to be run in an efficient and economic manner.</p> <p>Similar provisions can be found in article 24 of the Portland Harbour Revision Order 1997, article 60 of the Cornwall Harbours Harbour Revision Order 2023 and article 39 of the Weymouth Harbour Revision Order 2021.</p>
<p>18</p>	<p>These articles provide the Board with powers relating to the provision, maintenance and licensing of moorings within the Harbour. It is considered that modernised</p>	<p>Similar provisions are found within articles 51 to 53 of the Cornwall Harbours Harbour Revision Order 2023, articles 14 to 17 of the Yarmouth (Isle of Wight Harbour Revision Order 2011, articles 9 to 11</p>

<p>Power to lay Moorings</p> <p>19</p> <p>Licensing of moorings</p> <p>20</p> <p>Offences as to moorings</p>	<p>express provisions are conducive to the efficient and economical management and maintenance of the Harbour.</p>	<p>of the Poole Harbour Revision Order 2012, article 18 of the Watchet Harbour Revision Order 2000 and article 21 of the Burry Harbour Revision Order 2000.</p> <p>These articles provide for a level 4 fine for failure to comply with its requirements. This level of fine is required firstly to ensure that there is a sufficient level of deterrent (moorings in the Harbour are sought after and can be used to generate income, and the level of fine needs to be in excess of likely income generation). Secondly, it is needed to deter against causing navigational hazards within the Harbour. Thirdly, it is needed because a mooring obstructing safe navigation at the Harbour could interfere with the operation of the Open Port Duty. As such, it is considered that a level 4 fine is justified.</p>
<p>21</p> <p>Exemptions from ship, passenger and goods dues</p>	<p>This article is similar to other modern provisions providing for an exemption from ship, passengers and goods 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 Harbour 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 47 of the Cornwall Harbours Harbour Revision Order 2023 and article 17 of the Weymouth Harbour Revision Order 2021.</p>
<p>22</p> <p>Power of the Board to prosecute or defend legal proceedings</p>	<p>This power provides that where the Board considers it is conducive to the improvement, maintenance, operation, management or protection of the harbour undertaking, it may prosecute, defend or appear in legal proceedings, institute civil proceedings, and make representations in any public inquiry held under any enactment.</p>	<p>This provision provides an express power for the Board to prosecute, defend or appear in legal proceedings, institute civil proceedings, and make representations in any public inquiry held under any enactment. It is considered to be desirable for the improvement, maintenance and management of the Harbour in an efficient and economical manner as required section 14(2)(b) of the 1964 Act for this power to be expressly stated (rather than implied).</p>

<p>23</p> <p>Harbour premises</p>	<p>Paragraph (1) makes clear that the extent of the harbour premises at the date of the proposed Order is shown for illustrative purposes on the harbour premises plan being deposited with the proposed Order. Paragraph (2) provides that in the event of any discrepancy between the description of the “harbour premises” (defined in article 2) and the area shown on the harbour premises plan, the description takes precedence.</p> <p>Paragraphs (3) to (5) require an “illustrative plan” to be maintained by the Board (from the date of the proposed HRO) and published at the harbour office and on the harbour website. Should any alterations be made to the extent of the harbour premises, the Board must update the illustrative plan within 30 days of those alterations. The requirement for the harbour premises plan and illustrative plan will ensure that there is clarity over the extent of the harbour premises, both at the date the HRO comes into force and in the future.</p>	<p>This article is authorised by paragraph 17 of Schedule 2 to the 1964 Act which provides:</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>The provisions are required to ensure clarity over the premises of the Board as harbour authority. This is particularly important in this HRO because a new power of General Direction is being introduced under it which will be enforceable over the harbour premises. Therefore, it is essential for a harbour premises plan / illustrative plan to be included so that harbour users can easily understand the extent of the port premises.</p>
<p>24</p> <p>Notices</p>	<p>This article sets out the process for serving any notices required under the Order.</p>	<p>This article is conducive to the efficient management of the Harbour 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>25</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>26</p> <p>Crown Rights</p>	<p>This article provides the standard saving provision for Crown Rights.</p>	<p>No further justification required.</p>
<p>27 to 30</p> <p>Amendments</p>	<p>These articles make minor amendments to the historic harbour legislation applying to the Board.</p> <p>These changes include:</p> <ul style="list-style-type: none"> • Dover Harbour Consolidation Act 1954. 	<p>For the reasons explained, 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 29 and the Schedule to proposed Order.</p>

	<p>This Act has been amended so that the definition of “vessel” is consistent with the definition of “vessel” used in the proposed Order. This will aid in the interpretation of the 1954 Act and the local legislation applying in general. Similarly, references to “boats” in section 43 have been updated. The definition of “harbour” is also updated under the proposed Order so that it is described in modern terms with reference to World Geodetic System 1984 coordinates. It is also updated to include the harbour premises as defined in article 2 of the proposed Order.</p> <ul style="list-style-type: none"> • Dover Harbour Revision Order 1969. <p>This Order has been amended so that the definition of “vessel” is consistent with the definition of “vessel” used in the proposed Order. This will aid in the interpretation of the 1969 Order and the local legislation applying in general.</p> <ul style="list-style-type: none"> • Dover Harbour Revision Order 2006. <p>This Order has been amended so that the definitions of “vessel” and “harbour master” under the proposed Order apply to it. This will aid in the interpretation of the 2006 Order and the local legislation applying in general.</p> <p>Additionally, the charging provision under article 20 has been updated to expressly include certain types of craft and article 26(6), which relates to the harbour master’s existing powers of general direction, has been amended to update the level of fine imposable for the breach of a general direction (up to level 4 on the standard scale upon summary conviction). A new defence to proceedings has also been inserted.</p> <ul style="list-style-type: none"> • Dover Harbour Revision Order 2012. 	
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	This Order has been amended so that the definition of “vessel” is consistent with the definition of “vessel” used in the proposed Order. This will aid in the interpretation of the 2012 Order and the local legislation applying in general.	
31 Revocation/ Repeal	This article provides for the repeal and revocation (as appropriate) of the local legislation listed in referred to in the Schedule from the date of the proposed Order.	The proposed Order is being promoted in accordance with the 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 31 and the accompanying Schedule are required in conjunction with this proposed Order to complete the process of modernising the local legislation applying to the Board, granting the suite of modern powers and duties set out above which are consistent with section 14(2)(b) of the 1964 Act and which will assist the Board in meeting the recommendations of the Code.

Table 4: Relevant policies, guidance and plans

Plan, policy or guidance	<i>Demonstration that application is compliant with relevant plan, policy or guidance.</i>
Relevant Marine Plan (or Marine Policy Statement if no plan or draft plan available)	<p>The Harbour 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', 23 June 2021 ("the South East Marine Plan").</p> <p>The proposed Order is a non-works HRO (i.e. it does not authorise a plan or project). Its provisions are focused on modernising the Board's existing statutory powers to support the efficient and economical operation, maintenance, management and improvement of the Harbour. The proposed Order modernises the Board'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).</p> <p>The other provisions of the proposed Order are predominantly administrative (such as constitutional arrangements, dredging, disposal of wrecks, and licensing of moorings etc.). As such, it is expected that the effects of the proposed Order on the South East Inshore Marine Plan will be very limited and that any effects will be positive as the proposed Order supports the economic and efficient management of the Harbour (including with respect to environmental considerations). A brief summary of compliance is nevertheless set out below.</p> <p>Compliance with UK Marine Policy Statement</p> <p>The UK Marine Policy Statement ("the MPS") sets out (in section 2.1) that the UK vision for the marine environment is for '<i>clean, healthy, safe, productive and biologically diverse oceans and seas.</i>' The core purpose of the proposed Order is to modernise the Board'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 Board in ensuring it meets both its environmental duties under section 48A of the 1964 Act and compliance with the Code. Both of which will support the vision of ensuring that the marine environment is kept '<i>clean, healthy, safe, productive and biologically diverse.</i>' The provisions of the proposed Order also support the following high-level objectives contained in the MPS:</p> <p>(A) Achieving a sustainable marine economy: Marine businesses are acting in a way which respects environmental limits and is socially responsible.</p>

	<p>(B) Ensuring a strong, healthy and just society: The coast, seas, oceans and their resources are safe to use.</p> <p>(C) Living within environmental limits: Biodiversity is protected, conserved and where appropriate recovered and loss has been halted.</p> <p>(D) Promoting Good Governance: Marine businesses are subject to clear, timely, proportionate and, where appropriate, plan-led regulation.</p> <p>Compliance with South East Inshore Marine Plan</p> <p>The South East Inshore Marine Plan was published in June 2021. Through the modernisation of the Board's statutory powers enabling the efficient and economic management of the Harbour and the activities that take place there, the proposed Order will support the following objectives contained in the South East Marine Plan:</p> <p>(A) Objective 1: Infrastructure is in place to Support and promote safe, profitable and efficient marine businesses.</p> <p>(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.</p> <p>(C) Objective 3: Marine businesses are taking long-term strategic decisions and managing risks effectively. They are competitive and operating efficiently.</p> <p>(D) Objective 6: The use of the marine environment is benefiting 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.</p> <p>(E) Objective 7: The coasts, seas and oceans and their resources are safe to use.</p> <p>In addition, the proposed Order is supported by policy SE-PS-1, which expressly supports competitive and efficient port and shipping operations, recognising that <i>'ports and harbour 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.'</i></p>
<p>Insert other relevant plans/policy/guidance in this section</p>	<p>Port & Marine Facilities Safety Code</p> <p>Please see our comments earlier in this Statement of Support relating to the Code (Table 3a).</p>

Table 5: Any other relevant information

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 proposed Order does not fall specifically within any other paragraph of Schedule 2, the provisions of the proposed Order 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 proposed Order.

Local Legislation Applicable to the Board (as statutory harbour authority)

1. Dover Harbour Consolidation Act 1954 (c. iv) – **‘the 1954 Act’**
2. Dover Harbour Act 1963 (c. xxix) – **‘the 1963 Act’**
3. Defence (Transfer of functions) (Dover Harbour) Order 1964 (S.I. 1964 No. 932) – **‘the 1964 Order’**
4. Dover Harbour Revision Order 1969 (S.I. 1969 No. 1578) – **‘the 1969 Order’**
5. Dover Harbour Revision Order 1978 (S.I. 1978 No. 1069) – **‘the 1978 Order’**
6. Dover Harbour Revision Order 2006 (S.I. 2006 No. 2167) – **‘the 2006 Order’**
7. Dover Harbour Revision Order 2012 (S.I. 2012 No. 416) – **‘the 2012 Order’**
8. Dover Harbour Revision Order 2014 (S.I. 2014 No. 2720) – **‘the 2014 Order’**
9. Dover Harbour (Constitution) Revision Order 2016 (S.I. 2016 No. 250) – **‘the 2016 Order’**
10. Dover Harbour Revision Order 2022 (S.I. 2022 No. 709) – **‘the 2022 Order’**