



# Wales Act 2017

## 2017 CHAPTER 4

### PART 2

#### LEGISLATIVE AND EXECUTIVE COMPETENCE: FURTHER PROVISION

##### *Harbours: consultation and consent requirements*

### **34 Exercise of functions in relation to cross-border harbours**

- (1) Where—
  - (a) a Minister of the Crown proposes to exercise a relevant function in relation to a cross-border harbour, and
  - (b) the exercise of that function would, in the opinion of the Minister, be likely to have a material effect in Wales,the Minister of the Crown must first consult the Welsh Ministers (except where section 38(1) applies).
- (2) Where a Minister of the Crown proposes to exercise a function under the Harbours Act 1964 in such a way that it would result in a cross-border harbour being created, the Minister of the Crown must first consult the Welsh Ministers (except where section 38(1) applies).
- (3) Where a Minister of the Crown has made an order under section 42A of the Harbours Act 1964, the duties in subsections (1) and (2) apply to the delegate as they apply to a Minister of the Crown.
- (4) The following are “relevant functions”—
  - (a) making an order under section 21 of the Sea Fish Industry Act 1951;
  - (b) making a harbour revision order under section 14 or 15 of the Harbours Act 1964, other than an order of the type described in section 7(5) of the Pilotage Act 1987 (order extending limits of pilotage jurisdiction);
  - (c) making an order under any of the following sections of the Harbours Act 1964—

---

*Status: This is the original version (as it was originally enacted).*

---

- (i) section 15A (orders about port appointments);
- (ii) section 16 (harbour empowerment orders);
- (iii) section 17A (closure orders);
- (iv) section 18 (orders for harbour reorganisation schemes);
- (v) section 40A (orders designating harbour authority);
- (vi) section 60 (orders amending local Acts);
- (d) making regulations under section 19 of that Act (compensation for loss of office etc);
- (e) approving a charge to which section 31 of that Act applies, or giving directions with respect to such a charge, under section 31(6)(a) or (b) of that Act (harbour dues);
- (f) giving or refusing consent under section 36(1) of the Docks and Harbours Act 1966 (inland clearance depots);
- (g) making an order under section 5(2) of the Ports (Finance) Act 1985 (order amending local enactments in consequence of borrowing powers etc);
- (h) giving or refusing consent under section 5(1) of the Ports Act 1991 (control over issue or disposal of securities etc);
- (i) giving directions under section 5(2) of that Act (directions about issue or disposal of securities etc);
- (j) making a decision under section 9(6) of that Act (decision confirming port transfer scheme);
- (k) giving directions under section 10(2) or (3) of that Act (directions requiring port authority to form a company or submit a scheme);
- (l) making a scheme under section 12(1) of that Act (required port transfer scheme).

(5) In this section—

“cross-border harbour” means a harbour that is partly in England and partly in Wales;

“England” includes the sea adjacent to England out as far as—

- (a) the seaward boundary of the territorial sea, or
- (b) if nearer to the land, any boundary between waters that are treated as part of the sea adjacent to Wales and those that are not, as determined by an order made under section 158(3) of the Government of Wales Act 2006;

“Wales” has the same meaning as in the Government of Wales Act 2006 (see section 158(1) and (3) of that Act).