

2010 No. 674

MARINE MANAGEMENT

HARBOURS, DOCKS, PIERS AND FERRIES

The Harbours Act 1964 (Delegation of Functions) Order 2010

<i>Made</i> - - - -	<i>8th March 2010</i>
<i>Laid before Parliament</i>	<i>10th March 2010</i>
<i>Coming into force</i> - -	<i>1st April 2010</i>

The Secretary of State makes the following Order in exercise of the powers conferred by section 42A(1) and (8) of the Harbours Act 1964(a).

The delegate has consented to this Order in accordance with section 42A(2) of that Act.

Citation, extent and commencement

1.—(1) This Order may be cited as the Harbours Act 1964 (Delegation of Functions) Order 2010.

(2) This Order extends to England and Wales.

(3) This Order comes into force on 1st April 2010.

Delegation

2.—(1) Subject to article 3, the Secretary of State, being the relevant authority in relation to England and Wales, delegates the exercise of the functions specified in paragraph (2) to the Marine Management Organisation(b).

(2) The specified functions are the functions exercisable by the Secretary of State(c) under the following sections of the Harbours Act 1964(d)—

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- (a) 1964 c.40. Section 42A was inserted by section 315 of, and Schedule 21 to, the Marine and Coastal Access Act 2009 (c.23).
(b) The Marine Management Organisation was established by section 1 of the Marine and Coastal Access Act 2009.
(c) The Minister by whom the functions are exercisable is defined by section 57(1) as the Minister for Transport. The functions are now vested in the Secretary of State for Transport by virtue of S.I.1981/238, S.I.1997/2971, S.I.2001/2568 and S.I.2002/2626.
(d) Sections 14, 15, 16 and 18 were amended by sections 18 and 40 of, and Schedules 6 and 12 to, the Transport Act 1981 (c.56) and section 63 of, and Schedule 3 to, the Transport and Works Act 1992 (c.42); section 18 was also amended by section 43 of the Docks and Harbours Act 1966 (c.28); and section 15A was inserted by section 18 of, and Schedule 6 to, the Transport Act 1981. Functions under those sections regarding harbours in Wales used wholly or mainly for fishing, agriculture, recreation and communication within Wales are exercisable by the Welsh Ministers by virtue of section 108 of, and paragraph 10 of Schedule 7 to, the Government of Wales Act 2006 (c.32).

- (a) section 14 (Ministers' powers, on application of harbour authorities, or others, to make orders for securing harbour efficiency, etc);
- (b) section 15 (Ministers' powers to make, of their own motion, orders for limited purposes for securing harbour efficiency, etc);
- (c) section 15A (Ministers' powers to make orders about port appointments);
- (d) section 16 (Ministers' powers, on application of intending undertakers, or others, to make orders conferring powers for improvement, construction, etc, of harbours);
- (e) section 18 (Harbour reorganisation schemes); and
- (f) section 60 (Power to amend Acts of local application).

Excepted cases

3. The exercise of those functions in respect of the applications for orders specified in the table below is excepted from the delegation.

<i>Title of Draft Order</i>	<i>Applicant</i>	<i>Advertised in the London Gazette</i>
The Port of Bristol (Deep Sea Container Terminal) Harbour Revision Order	First Corporate Shipping	22nd July 2008
The Dee Estuary Conservancy Harbour Revision Order	The Environment Agency	26th January 2005
The Dover Harbour Revision Order	The Dover Harbour Board	21st January 2010
The Port of Exeter Harbour Revision Order	Exeter City Council	20th December 2006
The Gosport Borough Council (Ferry Works) Harbour Revision Order	Gosport Borough Council	5th March 2009
The Associated British Ports (Grimsby Riverside RO-RO Terminal) Harbour Revision Order	Associated British Ports Holdings Limited	15th September 2009
The Harwich Parkeston Quay Harbour Revision Order	Harwich International Port Limited	29th December 2003
The Mostyn Docks Harbour Revision Order	The Port of Mostyn Limited	17th April 2003
The Newlyn Pier and Harbour Revision (Constitution) Order	The Newlyn Harbour Commissioners	6th March 2008
The Poole Harbour Revision Order	The Poole Harbour Commissioners	9th September 2004
The Portland Harbour Revision Order	Portland Harbour Authority Limited	7th September 2007
The Ryde Pier Harbour Revision Order	Wightlink Limited	27th March 2009
The Sutton Harbour Revision Order	The Sutton Harbour Company	22nd October 2009

Signed by authority of the Secretary of State for Transport

Paul Clark
Parliamentary Under Secretary of State
Department for Transport

8th March 2010

EXPLANATORY NOTE

(This note is not part of the Order)

This Order delegates to the Marine Management Organisation the Secretary of State's functions in England and Wales under sections 14, 15, 15A, 16, 18 and 60 of the Harbours Act 1964 which provide for Harbour Revision Orders, Harbour Empowerment Orders, Harbour Reorganisation Schemes and the amendment of local legislation relating to harbours.

The functions under those sections regarding harbours in Wales used wholly or mainly for fishing, agriculture, recreation and communication within Wales are already discharged by the Welsh Ministers and consequently not included in the delegation.

Applications already received for Orders concerning harbours at Bristol, the Dee Estuary, Dover, Exeter, Gosport, Grimsby, Harwich, Mostyn, Newlyn, Poole, Portland, Ryde and Sutton are not included in the delegation (article 3).

The effect the Order will have on the costs of business and the voluntary sector was considered as part of the impact assessment for the Marine and Coastal Access Act 2009. The assessment for that Act is available on the website of the Department for Environment, Food and Rural Affairs at www.defra.gov.uk.

An Explanatory Memorandum has been prepared and is available alongside the instrument on the OPSI website at www.opsi.gov.uk.

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STATUTORY INSTRUMENTS

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