

2021 No. 572

HARBOURS, DOCKS, PIERS AND FERRIES

The St. Ives (G7 Summit 2021) Harbour Revision Order 2021

<i>Made</i>	- - - -	<i>11th May 2021</i>
<i>Laid before Parliament</i>		<i>14th May 2021</i>
<i>Coming into force</i>	- -	<i>7th June 2021</i>

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“the additional area” means so much of the area within an imaginary straight line from Godrevy Point (50°14’ 24” N 5° 23’ 33” W) to Browther Rock (50° 13’ 13” N 5° 29’ 43” W) and then in a straight line in a south westerly direction to Clodgy Point (50° 13’ 09” N 5° 29’ 45” W) and then following the line of the level of high water along the coast to Godrevy Point (50°14’ 24” N 5° 23’ 33” W) excluding Hayle harbour and the harbour, shown for information purposes shaded blue on the signed map(a);

“constable” means a sworn police officer in England and Wales;

“the Council” means Cornwall Council;

“the G7 commencement date” means the date this Order comes into force;

“the G7 period” means the period beginning with the G7 commencement date and ending with the G7 termination date;

“the G7 termination date” means 11:59pm on 15th June 2021;

“general direction” means a direction given under article 6 of this Order;

“the harbour” means the harbour of St. Ives the limits of which are described in article 12 (limits of harbour) of the 1886 Order shown for information purposes shaded light green on the signed map;

“harbour master” means any person appointed as such by the Council, and includes the duly authorised deputies and assistants of the harbour master and any other person for the time being authorised by the Council to act, either generally or for a specific purpose, in the capacity of harbour master;

“harbour police area” means the harbour, the additional area and any place within one mile of those areas;

“Hayle harbour” means the Hayle harbour, the limits of which are described in section 15 (limits of jurisdiction) of the Hayle Harbour Act 1989(b) shown for information purposes shaded purple on the signed map;

“hovercraft” means a vehicle which is designed to be supported when in motion wholly or partly by air expelled from the vehicle to form a cushion of which the boundaries include the ground, water or other surface beneath the vehicle;

“jet bike” means any watercraft (not being a structure which by reason of its concave shape provides buoyancy for the carriage of persons or goods) propelled by a water jet engine or other mechanical means of propulsion and steered either—

(a) by means of a handlebar-operated linkage system (with or without a rudder at the stern);

(b) by the person or persons riding the craft using their body weight for the purpose; or

(c) by a combination of the methods referred to in (a) and (b) above;

“land” includes land covered by water except where expressly stated otherwise;

“the level of high water” means the level of mean high-water spring tides;

“master”, in relation to a vessel, means any person having or taking command, charge, management or conduct of the vessel for the time being;

“signed map” means the map prepared in duplicate, signed on behalf of the Marine Management Organisation and marked “Signed map referred to in the St. Ives (G7 Summit 2021) Harbour Revision Order 2021”, one copy of which is deposited at the office of the Marine Management Organisation (c) and the other at the office of the Council(d);

(a) All coordinates are in degrees, minutes and seconds and based on WGS84 datum, where “WGS84” means the World Geodetic System 1984.

(b) 1989 c. 12.

(c) The signed map may be inspected during normal office hours at the Marine Management Organisation, Lancaster House, Hampshire Court, Newcastle upon Tyne, NE4 7YH and is available on www.gov.uk/government/collections/harbour-orders-public-register.

(d) The signed map may be inspected during normal office hours at the Cornwall Council, County Hall, Treyew Road, Truro, TR1 3AY.

“special direction” means a direction given under article 9 of this Order;

“Trinity House” means the Corporation of Trinity House of Deptford Strond^(a);

“vessel” includes a ship, boat, houseboat, raft or water craft of any description, however propelled or moved, and includes non-displacement craft, a jet bike, a personal watercraft, seaplane on the surface of the water, a hydrofoil vessel, a hovercraft or any other amphibious vehicle and any other thing constructed or adapted or floating on or being submersed in water (whether permanently or temporarily);

(2) In the definition of “the additional area” in paragraph (1) all measurements are to be construed as if the words “or thereabouts” were inserted after each measurement.

Incorporation of the St. Ives Harbour Act and Orders

3.—(1) The St. Ives Harbour Act and Orders 1853 to 1993 except article 21 (powers to dredge, &c. at or near harbour and works authorised by this Order) of the 1886 Order and article 9 (power to dredge) of the 1993 Order so far as applicable to the purposes and not inconsistent with the provisions of this Order are—

- (a) incorporated into this Order, subject to the modification in article 4(7), and
- (b) apply to the additional area during the G7 period.

(2) The application of the St. Ives Harbour Act and Orders 1853 to 1993 to the harbour remain unaffected by this Order.

(3) The application of the St. Ives (Pilotage) Harbour Revision Order 1988^(b) to the harbour, Hayle harbour and the additional area remain unaffected by this Order.

PART 2

JURISDICTION AND FUNCTIONS

Jurisdiction

4.—(1) Subject to article 15—

- (a) no general or special direction made under this Order takes effect at any time other than during the G7 period, and
- (b) any such direction ceases to have effect on the G7 termination date.

(2) On the G7 commencement date, the Council becomes the harbour authority for the additional area.

(3) Subject to article 15, on the G7 termination date, the Council ceases to be the harbour authority for the additional area.

(4) On the G7 termination date the Council continues to be the harbour authority for the harbour.

(5) On the G7 termination date the Council continues to have jurisdiction for the purposes of pilotage under Part 1 of the Pilotage Act 1987^(c) in the harbour, Hayle harbour and the additional area.

^(a) The Corporation of Trinity House, Tower Hill, London, EC3N 4DH.

^(b) S.I. 1988/1500.

^(c) 1987 c. 21. Section 1(4B), 1(5), 1(7), 1(8A) and 1(8B) was amended by the Marine Navigation Act 2013 (c. 23), section 3(1) and section 3(2A) by the Pilotage (Recognition of Qualification and Experience) Regulations 2003/1230, section 3(10) by the Local Authorities (Executive and Alternative Arrangements) (Modification of Enactments and Other Provisions) (England) Order 2001/2237, sections 8(1), 8(5)(a), 8(7), 8A, 8A(1), 8B, 8B(1) and 10(3) by the Marine Navigation Act 2013 (c. 23). Section 3(1A) is repealed by the Pilotage and Port Services (Amendment) (EU Exit) Regulations 2020/671, section 3(2) by the Employment Equality (Age) Regulations 2006/1031 as amended by SI 2006/2408, section 3(2A) by the Pilotage and Port Services (Amendment) (EU Exit) Regulations 2020/671.

(4) The Council must keep and make available for inspection at its harbour office and on its website (a) a public register of all in force general directions.

Procedure for giving, amending or revoking general directions

7.—(1) Subject to paragraph (7), if the Council proposes to give, amend or revoke a general direction, it must—

- (a) give notice in writing of the proposal and a plan of the area over which the proposal applies to the “designated consultees” them being;
 - (i) the Chamber of Shipping;
 - (ii) the Royal Yachting Association; and
 - (iii) such other persons or organisations as it considers appropriate for the purposes of the application of this provision;
- (b) place a notice of the proposal on the Council’s website and in prominent locations at the Council’s harbour office on the same date as the notice given in accordance with sub-paragraph (a) and keep that notice on display for a minimum of 6 weeks;
- (c) consult with the designated consultees upon the proposal and allow a period of not less than 6 weeks beginning with the date of the notice given in accordance with sub-paragraphs (a) and (b) for written representations to be made by the designated consultees and any other persons to the Council regarding the proposal;
- (d) have regard to all representations made during consultation;
- (e) give notice in writing to the designated consultees, and to those other persons that have provided a consultation response, following consultation as to whether the Council proposes to proceed with the proposal and, if so, specifying whether it is making any modifications to the proposal and its reasons for so doing; and
- (f) if the Council proposes to proceed with the proposal and a designated consultee has made representations against the proposal, invite that designated consultee to confirm in writing whether they maintain their objection to the proposal within 28 days beginning with the date of the notice given in accordance with sub-paragraph (e), or such longer period as the Council may specify.

(2) Where the Council has complied with paragraph (1), it may proceed to give, amend or revoke a general direction if—

- (a) none of the designated consultees have made representations against the proposal;
- (b) none of the designated consultees which made representations against the proposal have confirmed in writing that they are maintaining their objection to the proposal in accordance with paragraph (1)(f); or
- (c) where a designated consultee has maintained an objection in accordance with paragraph (1)(f), the requirements of paragraph (3) have been complied with.

(3) Where a designated consultee has confirmed in writing to the Council that they maintain their objection to a proposal—

- (a) the issue must be referred to an independent person (“the adjudicator”) appointed—
 - (i) by agreement between the Council and each designated consultee maintaining an objection in accordance with paragraph (1)(f) (“the parties”); or
 - (ii) failing agreement, by the President of the London Maritime Arbitrators Association on the application of either of the parties;
- (b) so far as is reasonably practicable within 12 weeks beginning with the date of the referral, the adjudicator must—

(a) Harbour Office, Smeatons Pier, St. Ives, TR26 1LP, www.cornwallharbours.co.uk.

Master's responsibility in relation to directions

12. The giving of a general or special direction does not diminish or in any other way affect the responsibility of the master of the vessel to which the direction is given in relation to the vessel, to persons on board the vessel, to the cargo or any other person or property.

PART 4

MISCELLANEOUS AND GENERAL

Appointment of constables

13.—(1) During the G7 period—

- (a) the Council may nominate persons to be constables in the harbour police area; and
- (b) a justice of the peace may then appoint the nominated persons to be constables in the harbour police area for all, or part, of the G7 period.

(2) A constable appointed under paragraph (1) may act as such in the harbour police area and whilst the constable is so acting, the constable has all the powers and privileges of a constable.

(3) No power conferred on a constable by this article derogates from, takes away or in any way diminishes any other power which the constable may have, or affect in any way their appointment as a constable other than under the powers of this Order.

Limitations on the powers under this Order

14. Subject to article 15, no powers may be exercised under this Order outside the G7 period and no general or special direction made under this Order has effect outside the G7 period.

Saving

15.—(1) No proceedings or inquiries, whether commenced or continued during or after the G7 period, in respect of any situation, matter, thing, happening, act, refusal, neglect or failure occurring during the G7 period so far as relating to the harbour or the additional area, or any part or parts of those areas, including, but not limited to proceedings—

- (a) for an offence committed or penalty incurred; or
- (b) for the recovery of expenses, rates, dues, fees or charges incurred;

during the G7 period, are affected by this Order or any general directions or special directions ceasing to have effect on the G7 termination date.

(2) Any proceedings or inquiries mentioned in paragraph (1) may be commenced, continued and concluded, and any decision, judgment or ruling may be enforced, as if this Order, and any general directions and special directions, had not ceased to have effect.

(3) Any period of time current in relation to any proceedings or inquiries mentioned in paragraph (1) when this Order ceases to have effect is not affected by its ceasing to have effect and may continue to run as if this Order, and any general directions and special directions, had not ceased to have effect.

(4) Nothing in this article prejudices the operation of sections 15 to 17 of the Interpretation Act 1978(a) (repealing enactments).

(a) 1978 c. 30.

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