
STATUTORY INSTRUMENTS

2011 No. 1694

HARBOURS, DOCKS, PIERS AND FERRIES

**The Weymouth (The London 2012 Olympic and
Paralympic Games) Harbour Revision Order 2011**

<i>Made</i>	- - - -	<i>7th July 2011</i>
<i>Laid before Parliament</i>		<i>12th July 2011</i>
<i>Coming into force</i>	- -	<i>5th August 2011</i>

Weymouth and Portland Borough Council has applied to the Marine Management Organisation in accordance with section 14(2)(a) of the Harbours Act 1964(1) for a harbour revision order under section 14.

The Secretary of State, as the appropriate Minister for the purposes of section 14, has by an Order(2) under section 42A(3) delegated the functions of the appropriate Minister under section 14(4) to the Marine Management Organisation(5).

The Marine Management Organisation, being satisfied as mentioned in section 14(2)(b) and in exercise of the powers conferred by section 14(1) and (3), makes the following Order.

PART 1

PRELIMINARY

Citation, commencement and duration

1.—(1) This Order may be cited as the Weymouth (The London 2012 (Olympic and Paralympic Games) Harbour Revision Order 2011 and shall come into force on 5th August 2011

(2) This Order shall cease to have effect on the Olympic termination date.

(1) 1964 c.40; section 14 was amended by the Transport Act 1981 (c.56), section 18 and Schedule 6, paragraphs 2 to 4(1) and 14 and section 40 and Schedule 12 (Part II); by the Transport and works Act 1992 (c.42), section 63(1) and Schedule 3, paragraph 1; by S.I. 2006/1177, regulation 2 and the Schedule (Part I); by the Planning Act 2008 (c.29), section 36 and schedule 2, paragraphs 8 and 9; and by S.I. 2009/1941, article 2 and Schedule 1, paragraph 12. Section 54 (orders and regulations) was amended by the Transport Act 1981 (c.56), sections 18 and 40 and Schedules 6 and 12 (Part II) and by the Marine and Coastal Access Act 2009 (c.23), section 315 and Schedule 21, paragraphs 1 and 3(2).

(2) S.I. 2010/674.

(3) Section 42A was inserted, in relation to England and Wales, by the Marine and Coastal Access Act 2009 (c.23), section 315 and Schedule 21, paragraphs 1 and 3(1).

(4) For the definition of “the Minister” (mentioned in section 14(7)) see section 57(1).

(5) The Marine Management Organisation was established by the Marine and Coastal Access Act 2009 (c.23), section 1.

Interpretation

2.—(1) In this Order —

“the Act of 1887” means the Weymouth and Melcombe Regis Corporation Act 1887(6);

“the Authority” means the Weymouth and Portland Borough Council;

“the 1993 Order” means the Weymouth and Portland Harbour Revision Order 1993(7);

“the Company” means Portland Harbour Authority Limited (which is registered in England and Wales with the number 3002686);

“the Olympic commencement date” means 16th July 2012;

“the Olympic period” means the inclusive period from the Olympic commencement date to the Olympic termination date, during which the sailing and windsurfing events forming part of the London 2012 Olympic and Paralympic Games will be conducted in an area which will include the Weymouth outer harbour;

“the Olympic termination date” means 9th September 2012;

“the proposed Portland Order” means an order to be made under section 14 of the Harbours Act 1964 that would have the effect of causing the Company to become the harbour authority for the Weymouth outer harbour and to have the duties, powers, rights, privileges and authorities in respect of it, during the Olympic period;

“Weymouth harbour” means the harbour of Weymouth and Melcombe Regis, as defined by section 8 of the Act of 1887 and extended by the 1993 Order;

“Weymouth outer harbour” means that part of Weymouth harbour that is to seaward of a line drawn by the outer piers or breakwaters referred to in section 8 of the Act of 1887 that are located in positions 50 degrees 36.59’N, 02 degrees 26.63’W and 50 degrees 36.58’N, 02 degrees 26.49’W respectively (based on WGS 84 datum) ; and

“WGS 84” means World Geodetic System, revised in 1984 and further revised in 2004.

(2) In the definition of “Weymouth outer harbour” in paragraph (1) all measurements shall be construed as if the words “or thereabouts” were inserted after each measurement.

PART 2

HARBOUR REGULATION

Jurisdiction

3.—(1) Subject to article 4, on the Olympic commencement date, when under the proposed Portland Order the Company becomes the harbour authority for the Weymouth outer harbour, the Authority shall cease to be the harbour authority for the Weymouth outer harbour and to have any duties, powers, rights, privileges or authorities in respect of it.

(2) On the Olympic termination date, when under the proposed Portland Order the Company ceases to be the harbour authority for the Weymouth outer harbour and to have any duties, powers, rights, privileges or authorities in respect of it, the Authority shall revert to being the harbour authority for the Weymouth outer harbour.

(3) On the Olympic commencement date section 8 of the Act of 1887 and the Schedule to the 1993 Order shall be amended so as to exclude the Weymouth outer harbour from the limits of Weymouth harbour, but with the intention that all statutory provisions applicable to the Weymouth outer harbour

(6) 1987 c.cliii.

(7) S.I. 1993/1027.

immediately prior to the Olympic commencement date shall reapply to their full extent from the Olympic termination date, whereupon the limits of Weymouth harbour shall be defined without reference to this Order.

PART 3

MISCELLANEOUS AND GENERAL

Saving

4.—(1) Nothing in this Order shall affect any proceedings or inquiries, whether commenced or continued before or after the Olympic commencement date, in respect of any situation, matter, thing, happening, act, refusal, neglect or failure occurring before that date so far as relating to the Weymouth outer harbour, or any part or parts of that area (whether or not relating also to any other area or areas within Weymouth harbour), including, but without prejudice to the generality of the foregoing, proceedings for an offence committed or penalty incurred, or for the recovery of expenses, rates, dues, fees or charges incurred, before that date, and any such proceedings or inquiries may be commenced, continued and concluded, and any decision, judgment or ruling thereon may be enforced, as if this Order had not come into force.

(2) Any period of time current in relation to any proceedings or inquiries mentioned in paragraph (1) when this Order comes into force shall not be affected by its coming into force and may continue to run as if this Order had not come into force.

(3) Nothing in this article shall prejudice the operation of sections 15 to 17 of the Interpretation Act 1978⁽⁸⁾ (effect of repeals).

Signed by authority of the Marine Management Organisation

A Thompson
Acting Chief Executive Officer
An authorised employee of the Marine
Management Organisation

7th July 2011

⁽⁸⁾ 1978 c.30.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order will come into force on 5th August 2011 (article 1(1)) and will cease to have effect on the Olympic termination date (9th September 2012) (article 1(2)).

On the Olympic commencement date (16th July 2012) the Weymouth and Portland Borough Council will temporarily cease to be the harbour authority for the Weymouth outer harbour (defined in article 2) and to have any duties, powers, rights, privileges or authorities in respect of the Weymouth outer harbour. On the Olympic termination date (the 9th September 2012) the Council will revert to being the harbour authority for the Weymouth outer harbour (article 3(1) and (2)).

Section 8 of the Weymouth and Melcombe Regis Act 1887 (c.cliii) and the Schedule to the Weymouth and Portland Harbour Revision Order 1993 (S.I.1993/1027) are amended so as to exclude the Weymouth outer harbour from the limits of the harbour of Weymouth and Melcombe Regis temporarily (article 3(3)).

During the Olympic period (defined in article 2) the sailing and windsurfing events forming part of the London 2012 Olympic and Paralympic Games will be conducted in an area which will include the Weymouth outer harbour.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen and the impact on business is minimal and has been dealt with satisfactorily.