

1991 No. 1853

HARBOURS, DOCKS, PIERS AND FERRIES

The Falmouth Harbour Revision Order 1991

Made - - - - - *2nd July 1991*

Coming into force *1st August 1991*

Whereas objections to the application for this Order have been duly made and not withdrawn and the Secretary of State for Transport is required, in accordance with the procedure prescribed in paragraph 4A of Schedule 3 to the Harbours Act 1964(a) to give notice of the making of this Order and its effect to the persons opposing the Order:

And whereas this Order shall come into force 28 days after the giving of such notice unless such persons within that period give notice to the Secretary of State that they maintain their opposition to the Order, and their opposition is not withdrawn within that period, in which case it shall come into force at such time as is prescribed by the Statutory Orders (Special Procedure) Act 1945(b):

Now therefore the Secretary of State for Transport (being the appropriate Minister under section 14(7) of the Harbours Act 1964 for the purpose of making this Order), in exercise of the powers conferred by the said section 14 and now vested in him(c) and of all other powers enabling him in that behalf, and on the application of the Falmouth Harbour Commissioners hereby makes the following Order:—

Citation

1.—(1) This Order may be cited as the Falmouth Harbour Revision Order 1991.

(2) The Falmouth Harbour Act and Orders 1870–1985 and this Order may be cited together as the Falmouth Harbour Act and Orders 1870–1991.

Interpretation

2. In this Order:—

“the Act of 1958” means the Falmouth Harbour Act 1958(d);

“the added limits” means the area described in the Schedule to this Order;

“the Commissioners” means the Falmouth Harbour Commissioners;

“the harbour” has the same meaning as in section 4 (Interpretation) of the Act of 1958;

“the signed plan” means the plan signed in triplicate by an Assistant Secretary in the Department of Transport, two copies of which have been deposited at that Department and one copy of which has been deposited at the offices of the Commissioners situated at 44 Arwenack Street, Falmouth, Cornwall, TR11 3JQ.

(a) 1964 c.40; section 14 and Schedule 3 were amended by the Transport Act 1981 (c.56), section 18 and Schedule 6, paragraphs 2 to 4, 12 and 14.

(b) 1945 c.18, as amended by the Statutory Orders (Special Procedure) Act 1965 (c.43).

(c) See section 57(1) of the Harbours Act 1964 and S.I. 1981/238.

(d) 1958 c. xlvi, as amended by the Falmouth Harbour Revision Order 1985 (S.I. 1985/1678).

Extension of limits

3.—(1) The limits within which the Commissioners and the harbour master have jurisdiction in accordance with the Act of 1958 are hereby extended to include the added limits.

(2) All enactments conferring rights, powers, privileges and immunities, or imposing duties, obligations and liabilities upon the Commissioners and all byelaws and regulations made by the Commissioners which related to or were in force in the harbour immediately before the coming into force of this Order shall also have effect and relate to the added limits.

(3) Section 4 (Amendment of definition of the harbour) of the Falmouth Harbour Revision Order 1985 shall have effect as if at the end of the definition of "the harbour" there were inserted the words "and includes the added limits as defined in the Falmouth Harbour Revision Order 1991."

Crown rights

4.—(1) Nothing in this Order shall affect prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular and without prejudice to the generality of the foregoing, nothing in this Order shall authorise any person to take, use, enter upon or in any manner interfere with, any land or hereditaments or any rights of whatsoever description (including any part of the shore or bed of the sea or of any river, channel, creek, bay or estuary)—

- (a) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those Commissioners: or
- (b) belonging to a government department, or held in trust for Her Majesty for the purposes of a government department, without the consent in writing of that department.

(2) A consent under paragraph (1) above may be given unconditionally or subject to such conditions and upon such terms as shall be considered necessary or appropriate.

Signed by authority of the
Secretary of State for Transport

Patrick McLoughlin
Parliamentary Under Secretary of State,
Department of Transport

2nd July 1991

SCHEDULE

Article 2

DESCRIPTION OF ADDED LIMITS

An area bounded by an imaginary line drawn from Zone Point position 50 degrees 08.31 minutes North 05 degrees 00.56 minutes West in a 147 degrees (true) direction for 2.95 nautical miles to position 50 degrees 5.85 minutes North 04 degrees 58.01 minutes West thence in a 222 degrees (true) direction for 3.38 nautical miles to position 50 degrees 3.35 minutes North 5 degrees 01.60 minutes West thence in a 327 degrees (true) direction for 3.80 nautical miles to Rosemullion Head in position 50 degrees 06.54 minutes North 05 degrees 4.82 minutes West.

The area of sea the limits hereof are shown coloured pink on the signed plan.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends the limits within which the Falmouth Harbour Commissioners have jurisdiction to include an area of sea adjacent to the present seaward harbour limit.

The applicants for the Order are the Falmouth Harbour Commissioners, 44 Arwenack Street, Falmouth, TR11 3JQ.