

202[X] No.

HARBOURS, DOCKS, PIERS AND FERRIES

**The Swansea (Closure of Prince of Wales Dock) Harbour
Revision Order 202[0]**

Made - - - - - ***
Coming into force - - - - - ***

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Associated British Ports has applied for a harbour revision order under section 14 of the Harbours Act 1964**(a)**

The functions of the appropriate Minister for the purpose of that section have been transferred to the Welsh Ministers **(b)**

(a) 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. 2006/117, regulation 2 and the Schedule (Part 1); 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 Schedule 6, paragraph 5(3) and Schedule 12 (Part II) and by the Marine and Coastal Access Act 2009 (c.23), section 315 and Schedule 21, paragraphs 1 and 3(2).

(b) By section 29(1) of the Wales Act 2017 (c.4).

Welsh Ministers, being satisfied as mentioned in section 14(2)(b) and] 14(2B) of that Act, make the following Order

PART I PRELIMINARY

Citation and commencement

1. This Order may be cited as the Swansea (Closure of Prince of Wales Dock) Harbour Revision Order [] and shall come into force on [].

Interpretation

2. In this Order—

“the 1874 Act” means the Swansea Harbour Act 1874(a);

“the 1894 Act” means the Swansea Harbour Act 1894(b);

“the 1901 Act” means the Swansea Harbour Act 1901(c);

“AB Ports” means Associated British Ports;

“deposited plan” means the plan prepared in duplicate signed on behalf of the Welsh Ministers and marked “Plan referred to in the Swansea (Closure of Prince of Wales Dock) Harbour Revision Order []” a copy of which is deposited at the [Offices of Welsh Ministers] and the other at the principal office of AB Ports;

“the Dock Master” means the dock master of AB Ports at Swansea;

“the Port of Swansea” means the docks and harbour comprising the undertaking of A.B. Ports at Swansea;

“Prince of Wales Dock” means the dock and associated works which form part of the Port of Swansea authorised by the 1874 Act, the 1894 Act and the 1901 Act and are within the area shown edged red on the deposited plan.

PART II CLOSURE OF PRINCE OF WALES DOCK

Closure of Prince of Wales Dock

3.—(1) Subject to the provisions of this Order, AB Ports may on such day within 42 days of the coming into force of this Order as they may determine by resolution close the Prince of Wales Dock.

(2) Upon the closure of Prince of Wales Dock under paragraph (1)—

(a) the Prince of Wales Dock is to cease to form part of the Port of Swansea;

(b) all the duties and obligations imposed on AB Ports under the 1874 Act, the 1894 Act, the 1901 Act or any other local enactment with respect to or in connection with Prince of Wales Dock are to cease;

(c) any right of navigation within Prince of Wales Dock is extinguished; and

(a) c.civ (37 & 38 Vict.).
(b) c.cv (57 & 58 Vict.).
(c) c.ccliii (1 Edw.7).

- (d) any duty or obligation to maintain a navigable channel to Prince of Wales Dock within the area shown hatched blue on the deposited plan or to maintain a swing bridge across that area is extinguished.

Repeal of local legislation etc.

4.—(1) Subject to paragraph (2) upon the closure of the Prince of Wales Dock, the 1874 Act, the 1894 Act and the 1901 Act, including any agreement scheduled to any of those Acts, and any other local enactment relating to the Port of Swansea, are to cease to have effect in so far as they apply to the Prince of Wales Dock.

(2) Paragraph (1) does not apply to—

- (a) section 6 (power to divert water into the docks) of the 1874 Act;
- (b) section 7 (power to divert water into the docks) of the 1894 Act; and
- (c) section 7 (power to take and divert water) of the 1991 Act.

Notice of closure and removal of vessels from Prince of Wales Dock

5.—(1) Before exercising the power conferred on it by article 3 (Closure of Prince of Wales Dock) of this Order to close Prince of Wales Dock AB Ports must—

- (a) publish a notice of its intention to do so in Lloyd’s List and once in each of two successive weeks in a local newspaper published or circulating in Swansea with an interval between the dates of publication of not less than six clear days,
- (b) display a copy of the notice in a conspicuous position in the Port of Swansea; and
- (c) give notice of its intention in writing to the Welsh Ministers.

(2) Each of the notices must—

- (a) state that AB Ports intends to close Prince of Wales Dock to vessels; and
- (b) specify a date, which shall be a date not earlier than one month after the date of the latest of the three publications; by which all vessels must be removed from Prince of Wales Dock.

(3) If the master of any vessel which is within Prince of Wales Dock does not remove the vessel before the date specified in accordance with paragraph 2(b), the Dock Master may cause that vessel to be removed from Prince of Wales Dock and moored or laid in any other place where it may without injury be moored or laid.

(4) AB Ports may recover as a debt from the owner of any vessel removed under paragraph (3) all expenses incurred by it in respect of its removal.

As to vessels entering Prince of Wales Dock

6. If any vessel enters Prince of Wales Dock after the date specified in accordance with paragraph (2)(b) of article 5 (Notice of closure and removal of vessels from Prince of Wales Dock) of this Order, the Dock Master may direct the master of such vessel forthwith to remove the vessel from Prince of Wales Dock, and if the master of such vessel does not forthwith comply with such directions the provisions of paragraphs (3) to (4) inclusive of article 5 shall apply to and in respect of such vessel as if such vessel had been within Prince of Wales Dock before that date.

Signed by the authority of the Welsh Ministers

Address
Date

Name
Signatory Title
Department

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises the closure of the Prince of Wales Dock at Swansea and repeals local legislation, including agreements scheduled to that legislation, so far as relating to the dock