

2022 No. (W.)

**HARBOURS, DOCKS, PIERS
AND FERRIES**

**The Swansea (Closure of the Prince
of Wales Dock) Harbour Revision
Order 2022**

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made on the application of Associated British Ports (“AB Ports”), the harbour authority for the Prince of Wales Dock (the “Dock”) at the Port of Swansea (the “Port”), by the Welsh Ministers in exercise of the powers conferred by section 14 of the Harbours Act 1964.

This Order authorises the closure of the Dock and ceases the application of local legislation, including agreements scheduled to that legislation, so far as they relate to the Dock.

On the making of this Order and the closure of the Dock, the following will take effect—

- (a) the Dock will cease to form part of the Port of Swansea,
- (b) AB Ports’ statutory duties and obligations in relation to the Dock will cease,
- (c) all rights of navigation in relation to the Dock will be extinguished, and
- (d) the obligation on AB Ports to maintain navigational access to the Dock from the rest of the Port will be extinguished.

Copies of the plans referred to in this Order can be inspected at the office of the Welsh Government, Cathays Park, Cardiff CF10 3NQ and at the principal office of AB Ports.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, it was not considered necessary to carry out a regulatory

impact assessment as to the likely costs and benefits of complying with this Order.

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Made

Coming into force

26 May 2022

CONTENTS

**PART 1
PRELIMINARY**

1. Title and coming into force
2. Interpretation

PART 2

CLOSURE OF THE PRINCE OF WALES DOCK

3. Closure of the Prince of Wales Dock
4. Application of the Swansea Harbour Acts 1874 – 1901
5. Removal of vessels from the Prince of Wales Dock
6. As to vessels entering the Prince of Wales Dock

SCHEDULE 1 - Port of Swansea port limits plan

SCHEDULE 2 - The Prince of Wales Dock plan

In accordance with section 14(1) of the Harbours Act 1964⁽¹⁾ (“the Act”), this Order is made in relation to a harbour which is being improved, maintained or managed by a harbour authority in the exercise and performance of statutory powers and duties, for achieving objects specified in Schedule 2 to the Act⁽²⁾.

Associated British Ports, as harbour authority for the Port of Swansea, has applied in accordance with section 14(2)(a) of the Act for a harbour revision order under section 14 of the Act.

The functions of the appropriate Minister for the purpose of that section have been transferred to the Welsh Ministers⁽³⁾.

Notice has been published in accordance with the requirements of paragraph 10 of Schedule 3 to the Act and the provisions of paragraphs 15 and 17 of Schedule 3 to the Act have been satisfied. No objections to the application have been made.

The Welsh Ministers, in exercise of the powers conferred by section 14(1) and (3) of the Act and being satisfied that the requirements of section 14(2)(b) and (2B) of that Act have been met, make the following Order.

PART 1

PRELIMINARY

Title and coming into force

1.—(1) The title to this Order is the Swansea (Closure of the Prince of Wales Dock) Harbour Revision Order 2022.

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- (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 2); 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 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.
- (2) Schedule 2 was relevantly amended by the Transport and Works Act 1992 (c. 42), Schedule 3, paragraph 9; the Docks and Harbours Act 1966 (c. 28), sections 36(4) and 50(1); the Water Act 1989 (c. 15), sections 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4) to (10), 190, 193(1), Schedule 25, paragraph 31(1) and Schedule 26, paragraphs 3(1)(2), 17, 40(4), 57(6) and 58; and S.I. 2006/1177, regulation 2 and the Schedule (Part 1).
- (3) Section 29(1) and (2)(b)(ii) of the Wales Act 2017 (c. 4), subject to S.I. 2018/278 Schedule 1 paragraph 1(1).

(2) This Order comes into force on 26 May 2022.

Interpretation

2. In this Order—

“the 1874 Act” (“*Deddf 1874*”) means the Swansea Harbour Act 1874⁽¹⁾;

“the 1894 Act” (“*Deddf 1894*”) means the Swansea Harbour Act 1894⁽²⁾;

“the 1901 Act” (“*Deddf 1901*”) means the Swansea Harbour Act 1901⁽³⁾;

“AB Ports” (“*Porthladdoedd AB*”) means Associated British Ports;

“the dock master” (“*y docfeistr*”) means any person appointed as the dock master of AB Ports at the Port of Swansea and any other person for the time being authorised by AB Ports to act, either generally or for a specific purpose, in the capacity of dock master;

“jet bike” (“*beic jet*”) 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);

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

“the Port of Swansea” (“*Porthladd Abertawe*”) means the docks and harbour comprising the undertaking of AB Ports at Swansea the limits of which are outlined in the Port of Swansea port limits plan;

“the Port of Swansea port limits plan” (“*plan terfynau porthladd Porthladd Abertawe*”) means the plan set out in Schedule 1;

“the Prince of Wales Dock” (“*Doc Tywysog Cymru*”) means the dock and associated works which form part of the Port of Swansea authorised by the Swansea Harbour Acts 1874 – 1901 and

(1) 1874 c. civ.
(2) 1894 c. cv.
(3) 1901 c. ccliii.

which are shown edged red on the Prince of Wales Dock plan;

“the Prince of Wales Dock plan” (“*plan Doc Tywysog Cymru*”) means the plan set out in Schedule 2;

“the Swansea Harbour Acts 1874 – 1901” (“*Deddfau Harbwr Abertawe 1874 – 1901*”) means together the 1874 Act, the 1894 Act and the 1901 Act;

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

PART 2

CLOSURE OF THE PRINCE OF WALES DOCK

Closure of the Prince of Wales Dock

3.—(1) AB Ports may on a day within 42 days beginning with the coming into force of this Order close the Prince of Wales Dock.

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

- (a) the Prince of Wales Dock ceases to form part of the Port of Swansea;
- (b) all duties and obligations imposed on AB Ports under the Swansea Harbour Acts 1874 – 1901 with respect to or in connection with the Prince of Wales Dock are to cease;
- (c) any and all rights of navigation within the Prince of Wales Dock are extinguished;
- (d) any and all duties or obligations to maintain a navigable channel to the Prince of Wales Dock within the area shown hatched blue on the Prince of Wales Dock plan or to maintain a swing bridge across that area are extinguished.

(3) Before exercising the power conferred on it by paragraph (1) AB Ports must—

- (a) publish a notice of its intention to close the Prince of Wales Dock 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 working days;

- (b) display a copy of one of the notices referred to in paragraph 3(a) in a conspicuous position in the vicinity of the Port of Swansea;
 - (c) give notice of its intention in writing to close the Prince of Wales Dock to the Welsh Ministers.
- (4) The notices referred to in paragraph 3(a) must—
- (a) state that AB Ports intends to close the Prince of Wales Dock to vessels and the date from which the Prince of Wales Dock is to close to vessels;
 - (b) specify a date, which is a date not earlier than one month after the date of the latest of the three notices in paragraph (3)(a) by which all vessels must be removed from the Prince of Wales Dock.

Application of the Swansea Harbour Acts 1874 – 1901

4.—(1) Upon the closure of the Prince of Wales Dock in accordance with article 3, the Swansea Harbour Acts 1874 – 1901, including any agreement scheduled to any of those Acts cease to 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;
 - (c) section 7 (power to take and divert water) of the 1901 Act.

Removal of vessels from the Prince of Wales Dock

5.—(1) If the master of any vessel which is within the Prince of Wales Dock does not remove the vessel before the date specified in accordance with article 3(4)(b), the dock master may cause that vessel to be removed from the Prince of Wales Dock and moored or laid in any other place where it may without injury be moored or laid.

(2) AB Ports may recover as a debt from the master of any vessel removed under paragraph (1) all reasonable expenses incurred by it in respect of its removal.

As to vessels entering the Prince of Wales Dock

6. If any vessel enters the Prince of Wales Dock after the date specified in article 3(4)(b) of this Order, the dock master may direct the master of the vessel to

remove the vessel from the Prince of Wales Dock, and if the master of the vessel does not comply without undue delay with such directions article 5 applies to the vessel as if the vessel had been within the Prince of Wales Dock before that date.

A handwritten signature in black ink, consisting of several overlapping loops and strokes, positioned to the right of the text above.

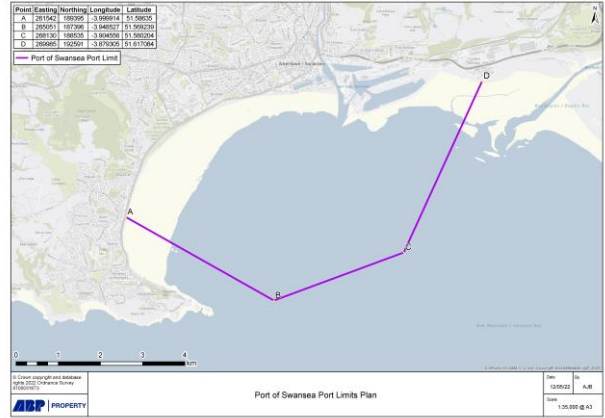
Name Lee Waters

Deputy Minister for Climate Change, acting under authority of the Minister for Climate Change, one of the Welsh Ministers

Date: 24th May 2022

SCHEDULE 1 Article 2

Port of Swansea port limits plan



SCHEDULE 2 Article 2

The Prince of Wales Dock plan

