Updated 24 April 2026

WELSH STATUTORY INSTRUMENTS

202[X] No. [X]

HARBOURS, DOCKS, PIERS AND FERRIES, WALES

The Fishguard Harbour Revision Order 202[X]

Made - - - - *202[X]*

Coming into force - - *202[X]*

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[In accordance with section 14(1) of the Harbours Act 1964(**a**) ("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(**b**).]

The Fishguard and Rosslare Railways and Harbours Company has applied in accordance with section 14(2)(a) of the Act for a harbour revision Order under section 14. The functions of the appropriate Minister for the purpose of that section have been transferred to the Welsh Ministers(**c**).

[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. Objections to the application were made and not withdrawn.]

The Welsh Ministers, being satisfied as mentioned in section 14(2)(b) and in exercise of the powers conferred by section 14(1) and (3) of the Act, make the following Order.

PART 1

PRELIMINARY

Title and commencement

1.—(1) This Order may be cited as the Fishguard Harbour Revision Order 202[X].

(2) This Order comes into force on [X] 202[X].

Interpretation

2.—(1) In this Order, except where the context otherwise requires—

"the Company" means the Fishguard and Rosslare Railways and Harbours Company(**d**);

"the deposited plans and sections" means the plans and sections which are bound together and prepared in duplicate, signed on behalf of the Welsh Ministers and marked "The Fishguard Harbour Revision Order 202[X] Plans and Sections" of which one copy has been deposited at the offices of the Welsh Ministers and the other at the offices of the Company at Fishguard Harbour, Goodwick, Pembrokeshire, SA64 0BU and a reference to a numbered sheet is a reference to that numbered sheet bound in the deposited plans and sections;

"the harbour" means Fishguard harbour as described in section 3 of the Fishguard and Rosslare Railways and Harbours Act 1914(**e**) and including any works which are deemed to form part of the harbour by any subsequent enactment;

"level of high water" means the level of mean high water springs;

(**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. 2006/1177, regulation 2 and the Schedule (Part 1), by the Planning Act 2008 (c.29), section 36 and Schedule 2, paragraphs 8 and 9, by S.I. 2009/1941, article 2 and Schedule 1, paragraph 12; and by the Criminal Justice Act 1982 (c.48), sections 37 and 46. Section 54 (orders and regulations) was amended by the Transport Act 1981 (c.56), sections 18 and 40 and Schedule 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). For the definition of "appropriate minister" see section 14(7).

(**b**) 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 141(6), 189(4) to (10), 190, 193(1), Schedule 25, paragraph 31(1) and Schedule 26, paragraphs 3(1) and (2), 17, 40(4), 57(6) and 58; and S.I. 2006/1177, regulation 2 and the Schedule (Part 1).

(**c**) 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).

(**d**) The office address of the Company is Fishguard Port, Fishguard Harbour, Goodwick, Pembrokeshire SA64 0BU.

(**e**) 1914 (4 & 5 Geo. 5) c. ix.

"limits of deviation" means the limits of deviation shown on the deposited plans;

"tidal work" means so much of any of the works as are on, under or over tidal waters or tidal lands below the level of high water;

"Trinity House" means the Corporation of Trinity House of Deptford Strond(**a**); and

"works" means the works authorised by this Order, or, as the case may require, any of, or any of, those works.

(2) All areas, directions, distances, lengths, widths, heights and grid references as stated in any description of works, powers or lands other than article 4 (power to deviate) are to be construed as if the words "or thereabouts" were inserted after each such area, direction, distance, length, width, height and grid reference and any reference in a description of works to a point is a reference to that point on the deposited plans.

(3) In this Order longitude and latitude are stated by reference to the World Geodetic System (WGS84), revised in 1984 and further revised in 2004.

PART 2

WORKS

Power to construct and maintain works

3.—(1) Subject to the provisions of this Order, the Company may in the lines and situations and upon the lands delineated on the deposited plans and within the limits of deviation shown on them and according to the levels shown on the deposited sections, construct and maintain in Pembrokeshire the following work, together with all necessary works and conveniences connected with, or incidental to, them—

Work No. 1 – A floating linkspan bridge and pontoon, to provide access to and egress from vessels, the centreline of which extends from the existing approach structure at a point at 52° 00′ 34.00″ N, 004° 59′ 10.54″ W, proceeds in a north-easterly direction and terminates at a point at 52° 00′ 35.98″ N, 004° 59′ 9.36″ W and includes a supporting piled bankseat, and supporting pontoon guide piles, the location of which is shown on sheets 1 and 2 and a section of which is shown on sheet 3. Work No. 1 includes the installation of scour protection placed on the seabed within the area shown on Sheet No. 2.

(2) Subject to the provisions of this Order, the Company may, for the purposes of the work authorised by paragraph (1), demolish or remove any structures or apparatus lying within the limits of deviation.

(3) Subject to the provisions of this Order, the Company may, within the limits of deviation, reconstruct, extend, enlarge, replace or relay the works authorised by paragraph (1) and may maintain the same as reconstructed, extended, enlarged, replaced or relaid.

Power to deviate

4. Subject to the provisions of this Order, in carrying out the work authorised by article 3(1) (power to construct and maintain works) the Company may—

(a) deviate laterally from the lines or situations of that work as shown on the deposited plans to any extent not exceeding the limits of deviation; and

(b) deviate vertically from the levels of that work as shown on the deposited sections—

(i) to any extent not exceeding 3 metres upwards; and

(ii) to such extent downwards as may be found necessary or convenient.

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

Subsidiary works

5.—(1) The Company may from time to time, within the limits of deviation provide and operate such harbour facilities, together with works ancillary to those facilities, as may be necessary or convenient for the construction of the work authorised by article 3(1) (power to construct and maintain works) or the operation of the undertaking, and for this purpose the Company may erect, construct, lay down, place, remove, replace, work or use and maintain, whether temporarily or permanently, all such works, conveniences and apparatus and take such measures as they from time to time consider fit for the purposes of or in connection with or incidental to the construction, maintenance and use of the work authorised by article 3(1), including, in particular, navigation marks and lights, as may be necessary or expedient.

(2) Without prejudice to paragraph (1) the Company may within the limits of deviation carry out and maintain such other works as may be necessary or convenient for the purposes of, or in connection with or in consequence of, the construction, maintenance or use of the work authorised by article 3(1) including—

(a) works for the accommodation or convenience of vessels or for the loading and unloading of goods and the embarking and loading of passengers;

(b) works to alter the position of apparatus, including mains, sewers, drains, pipes, conduits, cables, electrical substations, electrical lines and telecommunications apparatus; and

(c) scour protection works.

Power to dredge

6.—(1) Without affecting any other power which may be exercisable by the Company within the harbour the Company may, for the purposes of constructing and maintaining the works and of affording access to the works by vessels from time to time deepen, dredge, scour, cleanse, alter and improve the bed, shores and channels of the sea as lie within the limits of the harbour and may use, appropriate or dispose of the materials (other than wreck within the meaning of section 255 (interpretation) of the Merchant Shipping Act 1995(**a**)), from time to time dredged by them.

(2) No such materials must be laid down or deposited in any place below the level of high water otherwise than in such position and under such conditions and restrictions as may be approved or prescribed by Natural Resources Wales.

Obstruction of works

7. Any person who without lawful authority—

(a) intentionally or recklessly obstructs any person acting under the authority of the Company in setting out the lines of or in constructing the works, or

(b) without reasonable excuse interferes with, moves or removes any pole, stake, station point or bench mark established for the purpose of such setting out,

commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale and will in addition be liable to repay to the Company as a debt any expenses incurred by it in making good any damage resulting from such obstruction, interference, moving or removal.

Survey of tidal works

8. The Welsh Ministers may at any time, if the Welsh Ministers deems it expedient to do so, order a survey and examination of a tidal work or a site upon which it is proposed to construct such a work and any expenditure incurred by the Welsh Ministers in connection with any such survey and examination is recoverable from the Company.

(**a**) 1995 (c. 21).

Provision against danger to navigation

9.—(1) In the case of injury to, or destruction or decay of, a tidal work or any part thereof, the Company must—

(a) as soon as reasonably practicable notify Trinity House; and

(b) lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as Trinity House may from time to time direct.

(2) If the Company fails to comply in any respect with the provisions of this article, the Company commits an offence and is liable—

(a) on summary conviction to a fine not exceeding the statutory maximum; or

(b) on conviction on indictment to a fine.

Abatement of works abandoned or decayed

10.—(1) Where a tidal work is abandoned or suffered to fall into decay the Welsh Ministers may by notice in writing require the Company at its own expense either to repair and restore the tidal work or any part of it, or to remove the tidal work and restore the site of the tidal work to its former condition, to such an extent and within such limits as the Welsh Ministers think proper.

(2) Where a work authorised by this Order and consisting partly of a tidal work and partly of works on or over land above the level of high water is abandoned or suffered to fall into decay and that part of the work on or over land above the level of high water is in such condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the Welsh Ministers may include that part of the work or any portion of it, in any notice under this article.

(3) If, on the expiration of 30 days from the date when a notice under this article is served upon the Company it has failed to comply with the requirements of the notice, the Welsh Ministers may execute the works specified in the notice and any expenditure incurred by the Welsh Ministers in so doing is recoverable from the Company.

Lights on tidal works during construction

11.—(1) During the whole time of the demolition, construction, renewal, reconstruction or alteration of a tidal work the Company must at the outer extremity thereof every night from sunset to sunrise exhibit such lights, if any, and take such other steps for the prevention of danger to navigation as Trinity House may from time to time direct.

(2) If the Company fails to comply in any respect with a direction given under paragraph (1), it commits an offence and is liable—

(a) on summary conviction to a fine not exceeding the statutory maximum; or

(b) on conviction on indictment to a fine.

Permanent lights on tidal works

12.—(1) After completion of a tidal work the Company must at the outer extremity of such a tidal work exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as Trinity House may from time to time direct.

(2) If the Company fail to comply in any respect with a direction given under paragraph (1), it commits an offence and is liable—

(a) on summary conviction to a fine not exceeding the statutory maximum; or

(b) on conviction on indictment to a fine.

Period for completion of works

13.—(1) Subject to paragraph (2), if the work authorised by article 3(1) (power to construct and maintain works) is not substantially completed within ten years from the coming into force of this Order or such extended time as the Welsh Ministers may on the application of the Company allow, then on the expiration of that period or such extended time (as the case may be) the powers by this Order granted to the Company for making and maintaining the work will cease except as to so much of that work as is then substantially commenced.

(2) Nothing in paragraph (1) affects the carrying out of any works under paragraph (3) of article 3 or article 5 (subsidiary works).

Works to be deemed part of harbour

14. The works will be deemed for all purposes to be part of the harbour and all the enactments relating to the harbour, and the byelaws, directions, rules and regulations of the Company for the time being in force relating to the harbour, apply (so far as they are applicable and are not inconsistent with or varied by the this Order) to the works and may be enforced by the Company accordingly.

Works to be within area of Pembrokeshire Council

15. The works will, to the extent that they lie outwith the area of the Pembrokeshire Council, be annexed to and incorporated within that area.

PART 3

MISCELLANEOUS AND GENERAL

Agreements between the Company and Stena Line Ports Limited

16.—(1) The Company and Stena Line Ports Limited may enter into and carry out agreements as to the construction, ownership, maintenance and operation of the works and as to any matters incidental to, or consequential on, those matters.

(2) Any such agreement may provide (amongst other matters) for the exercise by Stena Line Ports Limited of all or any of the powers of the Company in connection with the works (other than powers mentioned in sub-paragraphs (a) to (f) of paragraph 9B of Schedule 2 to the Harbours Act 1964(**a**)) subject to the same provisions as would apply if those powers were exercised by the Company.

(3) This article does not affect the Agreement dated 27 May 1898 made between the Company of the first part of the Great Western Railway Company of the Second part and the Great Southern and Western Railway Company of the third part (which agreement is set out in Schedule 7 to the Fishguard and Rosslare Railways and Harbours Act 1899(**b**).

Defence of due diligence

17.—(1) In proceedings for an offence under any provision of this Order mentioned in paragraph (2) it is a defence for the Company to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

(2) The provisions referred to in paragraph (1) are—

(a) article 9 (provision against danger to navigation);

(b) article 11 (lights on tidal works during construction); and

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(**a**) 1964 (c. 40.)
(**b**) 1899 (c. clxxxvi.)

(c) article 12 (permanent lights on tidal works).

(3) If in any case the defence provided by paragraph (1) involves the allegation that the commission of the offence was due to the act or default of another person, the Company is not, without leave of the court, entitled to rely on that defence unless, within a period of seven clear days before the hearing, they have served on the prosecutor a notice in writing giving such information identifying, or assisting in the identification of, that other person as was then in their possession.

Saving for Trinity House

18. Nothing in this Order prejudices or derogates from the rights, duties or privileges of Trinity House.

Crown rights

19.—(1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular and without prejudice to that generality, nothing in this Order authorises the Company to take, use, enter upon or in any manner interfere with any land or any rights of whatsoever description (including any portion of the shore or bed of the sea or any river, channel, creek, bay or estuary)—

(a) belonging to His Majesty in right of the Crown and forming part of the Crown Estate without the consent in writing of the Crown Estate Commissioners;

(b) belonging to His Majesty in right of the Crown and not forming part of the Crown Estate without the consent in writing of the government department having the management of that land; or

(c) belonging to a government department or held in trust for His Majesty for the purposes of a government department without the consent in writing of that government department.

(2) A consent under paragraph (1) may be given unconditionally or subject to terms and conditions; and is deemed to have been given in writing where it is sent electronically.

Name
Address — Minister for [X]
Date — One of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises the Fishguard and Rosslare Railways and Harbours Company ("the Company") to construct and maintain works at Fishguard harbour in the County of Pembrokeshire.

The principal works comprise the construction of a floating linkspan bridge and pontoon which will replace existing ferry facilities at the harbour.

A impact assessment has not been prepared for this Order as there is no, or no significant, impact predicted on businesses, charities, voluntary bodies or the public sector.