**EXPLANATORY MEMORANDUM TO**

**THE BLYTH HARBOUR REVISION ORDER 2015**

**No. 2015/1384**

**1.** This explanatory memorandum has been prepared by the Marine Management Organisation ("MMO") and is laid before Parliament by Command of Her Majesty.

## 2. Purpose of the instrument

2.1 The purpose of this instrument is to extend the existing powers vested in Blyth Harbour Commissioners ("the Commissioners") to borrow money secured against its assets or revenues.

## 3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

## 4. Legislative Context

4.1 The Commissioners are the statutory harbour authority for the Port of Blyth ("the Port") and operates under Acts and Orders 1858 to 2004.

4.2 The Commissioners applied to the MMO on 26 January 2015 for the Blyth Harbour Revision Order 2015 ("the Order") to be made under Section 14 of the Harbours Act 1964 ("the Act").

4.3 The responsibility for the consideration of the application, and the making of any order, passed to the MMO by virtue of the Harbours Act 1964 (Delegation of Functions) Order 2010 (S.I. 2010/674) which delegated the Secretary of State's functions under Section 14 of the Act to the MMO except in relation to specified applications.

4.4 The proposed Order does not authorise a project for the purposes of Council Directive 85/337/EEC which is codified by Council Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment. Accordingly an environmental statement was not required to support the application.

## 5. Territorial Extent and Application

5.1 This instrument applies to England.

## 6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation no statement is required.

## 7. Policy background

7.1 The Order confers powers on the Commissioners considered necessary to invest and develop without undue constraint ensuring it is positioned to maximise opportunity to grow the Port business thus facilitating the efficient and economical management of the harbour.

7.2 Specifically the Order extends the existing powers vested in the Commissioners to borrow money secured against its assets or revenues.

7.2 The Commissioners have existing borrowing powers under the Blyth Harbour Act 1986. Those powers are capped at £25,000,000 for permanent borrowings and £5,000,000 for temporary borrowing.

7.3 The current borrowing limits are likely to be severely stretched by new developments and schemes that are close to being secured. There is a risk the developments will be restricted by the current limits.

7.4 The ability to borrow against assets to a level the financial sector deem appropriate would help to unlock much needed growth, development and employment for the region.

## 8. Consultation outcome

8.1 In accordance with paragraph 10 of Schedule 3 to the Act a notice was placed in the London Gazette and in the Northumberland News Post Leader detailing the application for the Order and how any objections or representations may be registered. The MMO received no objections to the Order within the statutory period of forty-two days provided for in Schedule 3 of the Act.

## 9. Guidance

9.1 The MMO does not propose to issue guidance in respect of the effects of the Order. However, the Commissioners will publish particulars, and serve copies, of the Order in accordance with paragraph 24 of Schedule 3 to the Act.

## 10. Impact

10.1 The MMO considers the impact on business, charities or voluntary bodies to be nil.

10.2 The impact on the public sector is nil.

10.3 An Impact Assessment has not been prepared for this instrument. The MMO considers the impacts to be nil.

## 11. Regulating small business

11.1 The legislation does not apply to small business.

## 12. Monitoring & review

12.1 Whilst the MMO will not actively monitor the operation of the provisions introduced by the Order, it will consider any representations received in this respect and will take these into account in the future exercise of its powers.

## 13. Contact

13.1 Mark Kirby at the Marine Management Organisation email: Mark.Kirby@marinemanagement.org.uk