STATUTORY INSTRUMENTS

2008 No. 2359

HARBOURS, DOCKS, PIERS AND FERRIES

The Harwich Haven Harbour Revision Order 2008

Made - - - -	*2nd September 2008*
Coming into force - -	*8th September 2008*

The Harwich Haven Authority has applied for a harbour revision order under section 14 of the Harbours Act 1964(**a**).

The Secretary of State is the appropriate Minister under section 14(7) of that Act(**b**) and is satisfied as mentioned in section 14(2)(b) of that Act.

The Secretary of State in exercise of the powers conferred by that section and now vested in her(**c**) makes the following Order:

Citation and commencement

1.—(1)This Order may be cited as the Harwich Haven Harbour Revision Order 2008 and comes into force on 8th September 2008.

(2) The Harwich Harbour Acts and Orders 1973 to 2000 and this Order may be cited together as the Harwich Harbour Acts and Orders 1973 to 2008.

Interpretation

2. In this Order, "the 1974 Act" means the Harwich Harbour Act 1974(**d**).

Borrowing Powers

3. For section 54 (borrowing powers) of the 1974 Act(**e**) substitute–

"**54.**—(1) The Harwich Haven Authority may borrow money for any of the purposes of its undertaking whether the purposes concerned are of a capital or revenue nature, and may do so in such manner and on such terms as the Authority considers expedient.

(2) Without prejudice to the generality of subsection (1), the power to borrow conferred by that subsection may be exercised—

(a) by the issue of debentures on such terms as the Authority thinks fit;

(**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), and by the Transport and Works Act 1992 (c.42), section 63(1) and Schedule 3, paragraph 1.
(**b**) For the definition of "the Minister" (mentioned in section 14(7)), see section 57(1).
(**c**) S.I. 1981/238.
(**d**) 1974 c.i.
(**e**) Subsection (1) was amended by the Harwich Harbour Revision Order 1985 (S.I. 1985/1803), article 2(1).

(b) by borrowing from a government source or bank or other provider on overdraft or loan;

(c) by opening an acceptance credit with a bank or accepting house;

(d) by accepting money on deposit.

(3) The Authority may for the purposes of its undertaking give guarantees to any person for the benefit of any undertaking carried on by that person or, if that person is a company, by any subsidiary of that person.

(4) The Authority may by way of security for any borrowing authorised or any guarantee given by it under this section grant any mortgage or charge which it thinks fit over all or any part of its revenues (present or future) and by way of security for any overdraft or loan under subsection (2)(b) charge all or any part of the Authority's assets."

Reserve Fund

4. In section 58 (reserve fund) of the 1974 Act, for subsection (1)(**a**) substitute–

"(1) The Harwich Haven Authority may carry to a reserve fund such part of its receipts on revenue account as it considers expedient."

Repeal

5. The enactments mentioned in columns (1) and (2) of the Schedule are repealed or revoked, as the case may be, to the extent specified in column (3) of that Schedule.

Signed by authority of the Secretary of State for Transport

R.C Bennett
Head of Ports Division
Department for Transport

2nd September 2008

(**a**) Subsection (1) was amended by the Harwich Harbour Act 1988, section 17.

SCHEDULE

Article 5

REPEALS AND REVOCATION

Chapter or S.I. No. (1)	*Title or short title* (2)	*Extent of repeal* (3)
1974 c.i	Harwich Harbour Act 1974	Sections 56 and 62 Schedule 2
1988 c.xxxiv	Harwich Harbour Act 1988	Section 17
S.I. 1985/1803	Harwich Harbour Revision Order 1985	Article 2

EXPLANATORY NOTE

(This note is not part of the Order)

This Order removes the statutory limits on capital and temporary borrowing by the Harwich Haven Authority under sections 54 and 56 of the Harwich Harbour Act 1974, removes the statutory limit on the amount that may be maintained in a reserve fund under section 58 of that Act, and enables the Authority to decide the mode of any borrowing.

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