STATUTORY INSTRUMENTS

1990 No. 615

HARBOURS, DOCKS, PIERS AND FERRIES

The Langstone Harbour Revision Order 1990

Made - - - -	*12th March 1990*
Coming into force	*13th March 1990*

Whereas the making of this Order is not opposed:

Now therefore the Secretary of State for Transport, in exercise of the powers conferred by section 14 of the Harbours Act 1964**(a)** and now vested in him **(b)** (being the appropriate Minister under section 14(7) of that Act, for the purpose of making this Order) and of all other powers enabling him in that behalf, and on the application of the Langstone Harbour Board, hereby makes the following Order:—

Citation and commencement

1.—(1) This Order may be cited as the Langstone Harbour Revision Order 1990 and shall come into force on 13th March 1990.

(2) The Langstone Harbour Orders 1962**(c)** and 1985**(d)** and this Order may be cited together as the Langstone Harbour Orders 1962 to 1990.

Interpretation

2. In this Order—

"the Order of 1962" means the Langstone Harbour Order 1962;

"the Board" means the Langstone Harbour Board.

General borrowing powers

3.—(1) The Board may borrow money upon the security of all or any of the revenues and property of the Board and by any method or methods they see fit:

Provided that—

(a) the total amount of monies borrowed under this article and outstanding at any one time shall not exceed £500,000;

(b) in calculating for the purpose of proviso (a) above the amount of money borrowed by the Board and outstanding at any one time there shall be excluded any monies borrowed for use within twelve months of the date of borrowing for repayment of any sum for the time being outstanding by way of principal on any amount previously borrowed.

(2) Monies borrowed by the Board under this article shall be applied only to purposes to which capital money is properly applicable.

(3) For the purposes of the last foregoing paragraph, but without prejudice to the generality thereof, purposes to which capital money is properly applicable shall be deemed to include:—

(a) 1964 c.40 section 14 and Schedule 3 were amended by the Transport Act 1981 (c.56) section 18 and Schedule 6, paragraphs 2 to 4, 12 and 14.

(b) *See* section 57(1) of the Harbours Act 1964 and S.I. 1981/238.

(c) *See* 1962 c.xxxvii; amended by S.I. 1985/1554.

(d) S.I. 1985/1554.

(a) the payment of any interest falling due within the five years immediately following the date of the borrowing of any sum of money borrowed by the Board under this article; and

(b) the repayment within twelve months of the date of borrowing of any sum for the time being outstanding by way of principal on any amount previously borrowed.

Temporary borrowing

4. The Board may borrow temporarily, by way of overdraft or otherwise, such sums as the Board may require for meeting their obligations or discharging their functions under or in pursuance of any enactment:

Provided that the total amount outstanding at any one time of the money so borrowed shall not exceed £100,000.

Existing borrowing

5. Any monies borrowed by the Board under or by virtue of any enactment repealed by this Order and outstanding at the commencement of this Order shall be deemed for the purposes of article 3 of this Order to have been borrowed under that article.

Repeals

6.—(1) The following provisions of the Order of 1962 are hereby repealed:—

Section 39 (application of Local Government Act 1933**(a)** to borrowing of money by Board).

Section 40 (power for Councils to lend money to Board).

Supplemental amendments

7. In the Order of 1962—

(a) in section 4 for the definition of "the Councils" "the district" and "the Portsmouth Council" there shall be substituted respectively the following definitions:—

"the Councils" means the Portsmouth City Council and the Havant Borough Council;

"the district" means the district of the Havant Borough Council;

"the Portsmouth Council" means the Portsmouth City Council;

(b) In sections 7(2), 9, 23, 27(3) and 48(1) for the words "and Waterloo" there shall be substituted the word "Borough".

(c) In section 48 (Inspection and Audit) for subsections (2) and (3) there shall be substituted the following subsection—

"(2) The provisions of sections 12 to 25D, and 30 (which relate to accounts and audits) of the Local Government Finance Act 1982**(b)** shall with any necessary modifications apply to the Board as if the Board were specified in section 12(2) of that Act".

Cost of Order

8. The costs, charges and expenses of and incidental to the preparing, applying for and obtaining of this Order and otherwise in relation thereto (other than those which any person may be ordered by the Secretary of State or a joint committee of both Houses of Parliament to pay, or any costs, charges and expenses incurred in opposing this Order) shall be paid by the Board.

Signed by authority of the Secretary of State for Transport

H. B. Wenban-Smith

12th March 1990 — An Under Secretary in the Department of Transport

(a) 1933 c.51.

(b) 1982 c.32.

EXPLANATORY NOTE

(This note is not part of the Order)

The Order fixes the limit on borrowing by, and changes the borrowing powers of, the Langstone Harbour Board. The Secretary of State's consent, which was previously required for any borrowing by the Board, was abolished as a result of section 3 of the Ports (Finance) Act 1985 (c.30). The Order sets a maximum limit of £500,000, which sum can be borrowed without the Secretary of State's consent. The Order also authorises temporary borrowing up to a maximum of £100,000. It further substitutes the audit provisions (with any necessary modifications) of the Local Government Finance Act, 1982 for those of the Local Government Act 1933 which are incorporated with the local legislation of the Board.