STATUTORY INSTRUMENTS

1965 No. 2196

HARBOURS, DOCKS, PIERS AND FERRIES

The National Ports Council Provision of Funds Scheme 1965 (Confirmation) Order 1965

Made - - - -	*22nd December* 1965
Laid before Parliament	*6th January* 1966
Coming into Operation	*8th January* 1966

The Minister of Transport (hereinafter referred to as "the Minister") in exercise of the powers conferred upon him by section 4(5) of the Harbours Act 1964(a) (hereinafter referred to as "the Act") and of all other enabling powers hereby makes the following Order:—

1.—(1) The Minister hereby confirms, with a modification made after consultation with the National Ports Council, the scheme for the imposition by that Council of charges on harbour authorities made and submitted to him by that Council in pursuance of section 4(1) of the Act.

(2) The scheme as so confirmed with the said modification is set out in the Schedule to this Order and shall come into force on the date specified in Article 2(1) of this Order.

2.—(1) This Order may be cited as the National Ports Council Provision of Funds Scheme 1965 (Confirmation) Order 1965 and shall come into operation on the 8th January 1966.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Given under the Official Seal of the Minister of Transport the 22nd December 1965.

(L.S.)

T. Padmore,
Secretary to the Ministry of Transport.

SCHEDULE

NATIONAL PORTS COUNCIL

SCHEME UNDER SECTION 4 OF THE HARBOURS ACT 1964

The National Ports Council, in exercise of their powers under Section 4 of the Harbours Act 1964, hereby make the following scheme:—

1. This scheme may be cited as the National Ports Council Provision of Funds Scheme 1965.

(a) 1964 c. 40. (b) 52 & 53 Vict. c. 63.

2.—(1) In this scheme:—

" accounting period " means a period of one year beginning on 1st January;

" the Act " means the Harbours Act 1964;

" the contributing authorities " means the first contributing authorities, the second contributing authority and the third contributing authorities;

" the Council " means the National Ports Council;

" the Council's expenditure " means any expenditure incurred, or to be incurred, by the Council in respect of the matters included in section 4(1) of the Act;

" dues " means ship, passenger and goods dues as defined in section 57(1) of the Act except that it does not include charges in respect of fishing vessels and fish landed therefrom;

" financial year " means, in relation to each of the third contributing authorities, the year for which their annual accounts are normally made up;

" the first accounting period " means the year beginning on 1st January, 1966;

" the first contributing authorities " means the British Transport Docks Board, the Mersey Docks and Harbour Board and the Port of London Authority;

" the last financial year " means, in relation to each of the third contributing authorities, the financial year ending last before the 1st July last preceding the beginning of an accounting period;

" the second contributing authority " means the Manchester Ship Canal Company;

" the third contributing authorities " means the harbour authorities specified in the Schedule to this Scheme.

(2) The Interpretation Act 1889 shall apply for the interpretation of this scheme as it applies for the interpretation of an Act of Parliament.

3.—(1) The Council shall as soon as may be in the case of the first accounting period and in the case of every subsequent accounting period not later than the 31st October last preceding the beginning of the accounting period:—

(*a*) estimate the amount which (having regard to article 5 of this scheme) should be raised by charges under this scheme in the accounting period in question to enable the Council to meet the Council's expenditure insofar as it cannot be met by revenue accruing to them in consequence of the exercise of powers conferred by provisions of the Act other than section 4 thereof (which amount is hereinafter referred to as " the estimated amount ");

(*b*) apportion the estimated amount among the contributing authorities in the manner prescribed in paragraph (2) of this article;

(*c*) issue to each of the contributing authorities a demand for payment of a charge equal to the amount apportioned to them under the last preceding sub-paragraph:

Provided that if the amount so apportioned to any such authority is less than £10 no demand for payment shall be issued to that authority.

(2) The estimated amount shall be apportioned among the contributing authorities in the manner following, that is to say:—

(*a*) the Council shall apportion to each of the first contributing authorities a sum equal to twenty-two per cent of the estimated amount;

(*b*) the Council shall apportion to the second contributing authority a sum equal to one-third of that apportioned to each of the first contributing authorities;

(*c*) after deducting from the estimated amount the total of the sums apportioned to the first contributing authorities and the second contributing authority the Council shall apportion to each of the third contributing authorities a sum which bears to the balance of the estimated amount the same pro-

portion as the gross amount of dues received by that authority in the last financial year bears to the total of the gross amount of dues received by all the third contributing authorities in the last financial year as applicable to them respectively.

4.—(1) Each of the third contributing authorities shall furnish the Council with any information reasonably required by the Council for the purpose of ascertaining or confirming the amount of dues received by that authority in any financial year which is relevant for the purposes of this scheme.

(2) An apportionment made by the Council under article 3(2)(*c*) of this scheme shall not be invalid on the grounds that it is based on information furnished by a third contributing authority which subsequently proves to be inaccurate.

(3) If it appears to the Council that a third contributing authority have failed to furnish them with reliable information as to the amount of dues received by that authority in a financial year they may, for the purpose of making an apportionment under article 3(2)(*c*) of this scheme, estimate as best they can the amount of dues received by that authority in that year and the apportionment shall not for that reason be invalid.

(4) A person who fails to furnish the Council with information reasonably required by them under paragraph (1) of this article (unless he proves that he had reasonable cause for the failure), or who furnishes the Council with information which he knows to be false, shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50, or in the case of a second or subsequent conviction to a fine not exceeding £200.

5. The amount to be raised by the Council by means of charges under this scheme to meet expenditure to be incurred by them during any accounting period shall not exceed £350,000.

6. If any sum apportioned to a contributing authority under article 3 of this scheme shall not be a whole number of pounds the fraction of a pound shall be ignored.

7. Each of the contributing authorities shall pay the charge for which a demand is issued to them under article 3 of this scheme either, at their option, by one lump sum payment to be made before the beginning of the accounting period in question (or, in the case of the first accounting period, forthwith upon receipt of the demand) or by four equal instalments the first to be paid before the beginning of the accounting period in question (or, in the case of the first accounting period, forthwith upon receipt of the demand) and the subsequent instalments to be paid not later than, respectively, 1st April, 1st July and 1st October in the accounting period.

8.—(1) A demand for payment issued by the Council to any of the contributing authorities under the provisions of this scheme shall be duly served on that authority if it is sent by post by means of the recorded delivery service to their clerk or secretary.

(2) For the purposes of this article and of section 26 of the Interpretation Act 1889 in its application to this article the proper address of the clerk or secretary of a contributing authority shall be the registered or principal office of that authority.

SCHEDULE

Third Contributing Authorities

Aberdeen Harbour Board
Ardrossan Harbour Company
Amlwch Urban District Council
Barnstaple Corporation
Beaumaris Corporation
Bembridge Harbour Co. Ltd.
Berwick Harbour Commissioners

Bideford Corporation
Blyth Harbour Commission
Boston Corporation
Bridgwater Port & Navigation Committee
Bridport Corporation
Brightlingsea Harbour Commission
Bristol Corporation
British Railways Board
British Waterways Board
Caernarvon Harbour Trust
Cattedown Wharves Ltd.
Cattewater Harbour Commission
Chichester Corporation
Clyde Navigation Trust
Colchester Corporation
Cowes Harbour Commission
Dartmouth Harbour Commission
Dee Conservancy Board
Dover Harbour Board
Dundee Harbour Trust
Dunoon Corporation
Exeter Corporation
Exmouth Dock Company
Falmouth Docks & Engineering Company
Falmouth Harbour Commission
Faversham Navigation Commission
Felixstowe Dock & Railway Company
Forth Conservancy Board
Fowey Harbour Commission
Garlieston Harbour Trust
Gateshead Corporation
Gillingham Corporation
Gloucester Harbour Trust
Granton Harbour Ltd.
Great Yarmouth Port & Haven Commission
Greenock Harbour Trust
Hartlepool Port & Harbour Commission
Harwich Dock Company
Harwich Harbour Conservancy Board
Humber Conservancy Board
Ilfracombe Urban District Council
Ipswich Dock Commission
Irvine Harbour Co.
King's Lynn Conservancy Board
Kirkcaldy Corporation
Lancaster Port Commission
Littlehampton Harbour Board
Leith Dock Commission
Maldon Harbour Improvement Commission
Margate Pier and Harbour Co.
Medway Conservancy Board
Milford Docks Co.
Milford Haven Conservancy Board
Minehead Urban District Council
Neath Harbour Commission
Newcastle Upon Tyne Corporation
Newport Harbour Commission
Newport (I.O.W.) Corporation
Norwich Corporation
Padstow Harbour Commission
Port of Par Ltd.

Penryn Corporation
Penzance Corporation
Perth Corporation
Poole Harbour Commission
Portsmouth Corporation
Port of Preston Authority
Queenborough Harbour Authority
Ramsgate Corporation
River Dart Navigation Commission
Sandwich Port & Haven Commission
Seaham Harbour Dock Co.
Shoreham Harbour Trust
Southampton Harbour Board
Stockton Corporation
Sunderland Corporation
Sutton Harbour Improvement Co.
Tees Conservancy Commissioners
Teignmouth Harbour Commission
Teignmouth Quay Co. Ltd.
Torquay Corporation
Trustees of the Tremadoc Estate
Truro Corporation
Tynemouth Corporation
Tyne Improvement Commission
Unilever Ltd.
Warkworth Harbour Commission
Watchet Urban District Council
River Wear Commissioners
Weymouth Corporation
Whitehaven Harbour Commission
Whitstable Urban District Council
Wisbech Corporation
Workington Harbour & Dock Co. Ltd.
Yarmouth (I.O.W.) Harbour Commission

EXPLANATORY NOTE

(This Note is not part of the Order.)

By this Order the Minister of Transport confirms a Scheme made and submitted to him by the National Ports Council under section 4 of the Harbours Act 1964 for imposing on harbour authorities charges to provide funds for the Council for the purposes mentioned in section 4(1). The Scheme is confirmed subject to a modification made by the Minister after consulting the Council and as so confirmed is set out in the Schedule.