STATUTORY INSTRUMENTS

1973 No. 1620

HARBOURS, DOCKS, PIERS AND FERRIES

The National Ports Council Provision of Funds (Variation) Scheme 1973 (Confirmation) Order 1973

Made - - - -	*24th September* 1973
Laid before Parliament	*28th September* 1973
Coming into Operation	*20th October* 1973

The Secretary of State for the Environment in exercise of the powers conferred by section 4(5) and (7) of the Harbours Act 1964(a) (hereinafter referred to as "the Act") and now vested in him (b) and of all other powers enabling him in hat behalf, hereby makes the following Order:—

1.—(1) The Secretary of State hereby confirms with modifications made after consultation with the National Ports Council the scheme submitted to him by the Council in pursuance of section 4(7) of the Act for the variation of the National Ports Council Provision of Funds Scheme 1965(c) as amended (d).

(2) The Scheme 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 (Variation) Scheme 1973 (Confirmation) Order 1973 and shall come into operation on 20th October 1973.

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

Signed by authority of the Secretary of State.
24th September 1973.

John Peyton,
Minister for Transport Industries,
Department of the Environment.

(a) 1964 c. 40.
(b) S.I. 1970/1681 (1970 III, p. 5551).
(c) S.I. 1965/2196 (1965 III, p. 6417).
(d) S.I. 1966/989, 1967/1392, 1968/1402, 1969/1348, 1970/1460 (1966 II, p. 2369; 1967 III, p. 4066; 1968 II, p. 4048; 1969 III, p. 4021; 1970 III, p. 4794) and 1971 c. lvii.
(e) 1889 c. 63.

SCHEDULE TO THIS ORDER.

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 (Variation) Scheme 1973.

2.—(1) In this scheme "the principal scheme" means the National Ports Council Provision of Funds Scheme 1965 as varied by the National Ports Council Provision of Funds (Variation) Scheme 1966, the National Ports Council Provision of Funds (Variation) Scheme 1967, the National Ports Council Provision of Funds (Variation) Scheme 1968, the National Ports Council Provision of Funds (Variation) Scheme 1969, the National Ports Council Provision of Funds (Variation) Scheme 1970 and the Mersey Docks and Harbour Act 1971.

(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. The principal scheme shall be varied in accordance with articles 4 and 5 of this scheme and accordingly the principal scheme, as so varied, shall have effect as set out in the schedule to this scheme.

4. In article 5 of the principal scheme for the figure "£600,000" there shall be substituted the figure "£750,000".

5. In the schedule to the principal scheme—

(*a*) after the words "Aberdeen Harbour Board" there shall be inserted the words "Anglesey County Council";

(*b*) for the words "Ardrossan Harbour Company" there shall be substituted the words "Ardrossan Harbour Company Limited";

(*c*) for the words "Bembridge Harbour Co Ltd" there shall be substituted the words "Bembridge Harbour Improvement Company Limited";

(*d*) for the words "Bridgwater Port & Navigation Committee" there shall be substituted the words "Bridgwater Corporation";

(*e*) for the words "Chichester Corporation" there shall be substituted the words "Chichester Harbour Conservancy";

(*f*) for the words "Exmouth Dock Company" there shall be substituted the words "Exmouth Docks Company";

(*g*) for the words "Harwich Dock Company" there shall be substituted the words "Harwich Dock Company Limited";

(*h*) after the words "Minehead Urban District Council" there shall be inserted the words "Montrose Harbour Board";

(*i*) for the words "Weymouth Corporation" there shall be substituted the words "Weymouth and Melcombe Regis Corporation";

(*j*) the words "Amlwch Urban District Council", "Beaumaris Corporation", "International Hoverports Limited", "Sheerness Harbour Co Ltd." and "River Wear Commissioners" shall be omitted.

SCHEDULE

THE PRINCIPAL SCHEME AS VARIED

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.

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 Company 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 subparagraph:

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 to 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 proportion 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 has 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 £750,000.

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.

9. Where a third contributing authority change the year for which their annual accounts are normally made up and, as an incident of that change, their accounts are made up for a transitional period which is greater or less than a year, the period of twelve months the end of which coincides with the end of the transitional period shall be deemed to be a financial year for the purposes of this scheme.

SCHEDULE TO THE PRINCIPAL SCHEME

THIRD CONTRIBUTING AUTHORITIES

Aberdeen Harbour Board
Anglesey County Council
Ardrossan Harbour Company Limited
Barnstaple Corporation
Bembridge Harbour Improvement Company Limited
Berwick Harbour Commissioners
Bideford Corporation
Blyth Harbour Commission
Boston Corporation
Bridgwater Corporation
Bridport Corporation
Brightlingsea Harbour Commission
Bristol Corporation
British Railways Board
British Waterways Board
Caernarvon Harbour Trust
Cattedown Wharves Limited
Cattewater Harbour Commission
Chichester Harbour Conservancy
Clyde Port Authority
Colchester Corporation
Cowes Harbour Commissioners
Dartmouth Harbour Commission
Dee and Clwyd River Authority
Dover Harbour Board
Dundee Harbour Trust
Exeter Corporation
Exmouth Docks Company
Falmouth Docks and Engineering Company
Falmouth Harbour Commission

Felixstowe Dock and Railway Company

Forth Ports Authority

Fowey Harbour Commission

Garlieston Harbour Trust

Gillingham Corporation

Gloucester Harbour Trust

Great Yarmouth Port and Haven Commission

Harwich Dock Company Limited

Harwich Harbour Conservancy Board

Ilfracombe Urban District Council

Ipswich Dock Commission

Irvine Harbour Company

King's Lynn Conservancy Board

Lancaster Port Commission

Littlehampton Harbour Board

Maldon Harbour Improvement Commission

Medway Ports Authority

Milford Docks Company

Milford Haven Conservancy Board

Minehead Urban District Council

Montrose Harbour Board

Neath Harbour Commission

Newport Harbour Commission

Newport (Isle of Wight) Corporation

Norwich Corporation

Padstow Harbour Commission

Port of Par Limited

Port of Tyne Authority

Penryn Corporation

Penzance Corporation

Perth Corporation

Poole Harbour Commission

Portsmouth Corporation

Preston Corporation

Ramsgate Corporation

River Dart Navigation Commission

Sandwich Port and Haven Commission

Seaham Harbour Dock Company
Shoreham Port Authority
Sunderland Corporation
Sutton Harbour Improvement Company
Tees and Hartlepool Port Authority
Teignmouth Harbour Commission
Teignmouth Quay Company Limited
Torbay Corporation
Trustees of the Tremadoc Estate
Truro Corporation
Unilever Limited
Warkworth Harbour Commission
Watchet Urban District Council
Weymouth and Melcombe Regis Corporation
Whitehaven Harbour Commission
Whitstable Urban District Council
Wisbech Corporation
Workington Harbour and Dock Company Limited
Yarmouth (Isle of Wight) Harbour Commission

EXPLANATORY NOTE

(This note is not part of the Order.)

By this Order the Secretary of State for the Environment confirms a Scheme made and submitted to him by the National Ports Council under section 4 of the Harbours Act 1964 for varying the National Ports Council Provision of Funds Scheme 1965. The Scheme is confirmed subject to modifications made by the Secretary of State after consulting the Council. The Variation Scheme as so confirmed is set out in the Schedule.

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