STATUTORY INSTRUMENTS

1975 No. 2135

HARBOURS, DOCKS, PIERS AND FERRIES

The Polperro Harbour Revision Order 1975

Made - - -	*7th October* 1975
Coming into Operation	16*th December* 1975

The Minister of Agriculture, Fisheries and Food on the application of the Trustees of Polperro Harbour and having received no objections to a draft order published in accordance with Schedule 3 to the Harbours Act 1964(**a**) and being satisfied that the making of the order is desirable in the interests of securing the improvement, maintenance and management of the harbour in an efficient and economical manner, in exercise of the powers conferred on him by section 14 of the said Act and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and commencement

1.—(1) This Order may be cited as the Polperro Harbour Revision Order 1975 and shall come into operation on the date fixed in accordance with the provisions of the Statutory Orders (Special Procedure) Acts 1945 and 1965(**b**).

(2) The Polperro Harbour Order 1894(**c**) the Polperro Harbour (Amendment) Order 1955(**d**) and this Order may be cited together as the Polperro Harbour Orders 1894 to 1975.

Interpretation

2.—(1) In this Order except where the context otherwise requires:—

"enactment" means any Act, or any order, scheme or other instrument made thereunder, and any provision in any Act or in any such order, scheme or instrument;

"revenues" means any tolls, or rates or duties or such other sums leviable by the Trustees;

"the Trustees" means the Trustees of Polperro Harbour.

(2) Reference in this Order to any enactment shall be construed as reference to that enactment as re-enacted, extended or amended by, or by virtue of, any other enactment, including this Order.

(**a**) 1964 c. 40. (**b**) 9 & 10 Geo. 6 c. 18; 1965 c. 43. (**c**) 57 & 58 Vict. c. cxi.
(**d**) S.I. 1956/365.

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

Capital borrowing powers

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

(*a*) such sums of money as they may think necessary not exceeding in the aggregate twenty thousand pounds; and

(*b*) with the consent of the Minister of Agriculture, Fisheries and Food such further sums of money as they may require:

Provided that in calculating for the purpose of sub-paragraph (a) of this paragraph the aggregate sums of money borrowed by the Trustees there shall be excluded any sums 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) Moneys borrowed by the Trustees 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*) the payment of any interest falling due within the five years immediately following the date of the borrowing on any sum of money borrowed by the Trustees 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.—(1) The Trustees may borrow temporarily, by way of overdraft or otherwise, such sums as the Trustees 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 three thousand pounds.

(2) The power conferred by this article shall be in addition to any other borrowing power for the time being enjoyed by the Trustees.

Saving for powers of Treasury

5. It shall not be lawful to exercise the powers of borrowing conferred upon the Trustees by this Order otherwise than in compliance with the provisions of any order for the time being in force made under Section 1 and subsection (4) of Section 3 of the Borrowing (Control and Guarantees) Act 1946 (b).

Revocation

6. Article 36 of the Polperro Harbour Order 1894 (power to borrow money) is hereby revoked.

(a) 52 & 53 Vict. c. 63. (b) 9 & 10 Geo. 6. c. 58.

Costs of order

7. The costs, charges and expenses of and in connection with the preparation, submission and obtaining of this Order shall be defrayed by the Trustees.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 7th October 1975.

(L. S.)

Frederick Peart,

Minister of Agriculture, Fisheries and Food.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order provides for increasing the borrowing powers of the Trustees of Polperro Harbour, the statutory harbour authority for the Polperro Harbour, to enable the Trustees to install a set of mechanically operated gates at the entrance to Polperro Harbour and to meet their obligations and discharge their functions in the future.