STATUTORY INSTRUMENTS

1969 No. 1297

HARBOURS, DOCKS, PIERS AND FERRIES

The Statutory Harbour Undertakings (Form of Accounts etc.) (Companies) Regulations 1969

Made - - -	*12th September* 1969
Laid before Parliament	*23rd September* 1969
Coming into Operation	*26th September* 1969

The Minister of Transport, in exercise of the powers conferred on him by section 42 of the Harbours Act 1964(a) and of all other powers enabling him in that behalf and after consultation with the National Ports Council, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Statutory Harbour Undertakings (Form of Accounts etc.) (Companies) Regulations 1969 and shall come into operation on 26th September 1969.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"financial year" in relation to a statutory harbour undertaking means the year for which the annual accounts relating to that undertaking are made up and, where the person carrying on such an undertaking wishes to change the financial year, includes the transitional accounting period adopted for the purpose of effecting that change;

"goods dues" means charges in respect of goods brought into, taken out of or carried through a harbour by ship (but not including charges in respect of work performed, services rendered or facilities provided in respect of goods so brought, taken or carried);

"investment grants" means grants made under the Industrial Development Act 1966(b);

"passenger dues" means charges for any passengers embarking or disembarking at a harbour (but not including charges in respect of any services rendered or facilities provided for them);

"port modernisation grants" means grants made under section 12 of the Harbours Act 1964;

"recognised stock exchange" has the same meaning as in the Prevention of Fraud (Investments) Act 1958(c);

"ship dues" means charges in respect of any ship for entering, using or leaving a harbour, including charges made on the ship in respect of marking or lighting the harbour;

"statutory harbour undertaking" means an undertaking or part of an undertaking the activities whereof consist wholly or mainly in the improvement, maintenance or management of a harbour in the exercise of powers vested under

(a) 1964 c. 40. (b) 1966 c. 34. (c) 1958 c. 45.

the Harbours Act 1964, by another Act or by an order or other instrument (except a provisional order) made under another Act or by a provisional order in the person by whom the undertaking is carried on (other than river works powers as defined in section 57 of the Harbours Act 1964), in the performance of duties so vested in him (other than river works duties as so defined) or in the exercise and performance of powers so vested in him (other than river works powers as so defined) and duties so vested in him (other than river works duties as so defined).

(2) Unless the context otherwise requires, references in these Regulations to the provisions of any enactment shall be construed as references to those provisions as amended or re-enacted by any subsequent enactment.

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

Undertakings to which these Regulations apply

3. These Regulations shall apply to a statutory harbour undertaking which is carried on by a person (being a body corporate to which all or some of the provisions of the Companies Acts 1948(b) to 1967(c) with respect to accounts apply) specified in Schedule 1 to these Regulations.

Form of accounts etc.

4. As respects any financial year ending more than three months after these Regulations come into operation the annual statement of accounts relating to an undertaking to which these Regulations apply, as well as complying with the provisions of the Companies Acts 1948 to 1967 so far as these are applicable, shall contain the particulars specified in Schedule 2 to these Regulations.

Given under the Official Seal of the Minister of Transport the 12th September 1969.

(L.S.)

Richard Marsh,
Minister of Transport.

SCHEDULE 1

PERSONS WHO CARRY ON UNDERTAKINGS TO WHICH THESE REGULATIONS APPLY

Ardrossan Harbour Company Limited
Bembridge Harbour Improvement Company Limited
Cattedown Wharves Limited
Irvine Harbour Company
Sutton Harbour Improvement Company
Teignmouth Quay Company Limited
Workington Harbour and Dock Company Limited

(a) 1889 c. 63. (b) 1948 c. 38. (c) 1967 c. 81.

SCHEDULE 2

ADDITIONAL PARTICULARS TO BE INCLUDED IN ANNUAL STATEMENT OF ACCOUNTS

1. The balance sheet shall show:—

(*a*) The cost of any capital works which are in process of construction or, in the alternative, the value to the company of such works as estimated by the authority. If the latter alternative is adopted, the basis or bases of valuation shall be stated.

(*b*) The aggregate amount of sinking fund investments distinguishing between those which are quoted on a recognised stock exchange and those which are not.

(*c*) Moneys owed to each government department in respect of the principal of loans for capital purposes. In this sub-paragraph and in paragraph 5 of this Schedule references to loans for capital purposes include references to loans made to enable the company to repay the principal of, or interest on, loans for capital purposes.

(*d*) Port modernisation grants and investment grants received or receivable but not credited to the profit and loss account.

2. The profit and loss account shall show:—

(*a*) Revenue, indicating separately:—
(i) ship dues;
(ii) goods dues;
(iii) passenger dues;
(iv) revenue from cargo handling;
(v) revenue from cranes and plant;
(vi) revenue from warehousing and storage;
(vii) revenue from sundry services and facilities;
(viii) other revenue:

Provided that if it is not possible to make a precise apportionment of revenue between any two or more of the heads specified above the apportionment between such heads may be made on an estimated basis and the fact that it is made on that basis shall be stated by way of note.

(*b*) Expenditure, indicating separately:—
(i) operating and maintenance expenditure (except in relation to the maintenance of dredging equipment and administrative buildings and equipment);
(ii) dredging expenditure;
(iii) cargo handling expenditure;
(iv) administrative and other general expenditure.

(*c*) So much of port modernisation grants and investment grants and any other grants from government departments as is credited to the profit and loss account.

(*d*) Interest charges in respect of loans by each government department.

3. Particulars of the increases during the financial year in the interest charged to capital and of the decreases during that year in the interest so charged except in so far as any such decrease forms part of the amount provided in the annual statement of accounts for the depreciation of fixed assets.

4. Particulars of the borrowing powers relating to the undertaking and the extent to which they have been exercised.

5. Particulars of increases and decreases in the moneys owing to each government department in respect of the principal of loans for capital purposes stating the reasons for the increases.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

1. These regulations, made under section 42 of the Harbours Act 1964, prescribe certain particulars to be contained in the annual statements of accounts relating to statutory harbour undertakings which are carried on by the companies specified in schedule 1 to the regulations being companies to which the accounts provisions of the Companies Acts apply.

2. Under section 42 an obligation is laid upon persons carrying on statutory harbour undertakings to prepare annual statements of accounts relating to the undertaking and to send copies of them and auditor's reports thereon to the Minister and to the National Ports Council.