STATUTORY INSTRUMENTS

2010 No. 1887

HARBOURS, DOCKS, PIERS AND FERRIES

The Sutton Harbour Revision Order 2010

Made - - - -	*20th July 2010*
Coming into force - -	*10th August 2010*

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The Sutton Harbour Company has applied for a harbour revision order under section 14 of the Harbours Act 1964(**a**).

The Secretary of State is the appropriate Minister under section 14(7)(**b**) of that Act and is satisfied as mentioned in section 14(2)(b) of that Act.

The Secretary of State makes the following Order in exercise of the powers conferred by that section:

Citation and commencement

1.—(1) This Order may be cited as the Sutton Harbour Revision Order 2010 and comes into force on 10th August 2010.

(2) The Sutton Harbour Acts and Orders 1847 to 1988 and this Order may be cited together as the Sutton Harbour Acts and Orders 1847 to 2010.

Interpretation

2. In this Order—

"the 1969 Order" means the Sutton Harbour Revision Order 1969(**c**); and

(**a**) 1964 c. 40; section 14 was amended by the Transport Act 1981 (c. 56), section 18 and Schedule 6, paragraphs 2 to 4(1) and 14 and section 40 and Schedule 12 (Part II), and by the Transport and Works Act 1992 (c. 42), section 63(1) and Schedule 3, paragraph 1. *See* also the Criminal Justice Act 1982, sections 37 and 46.
(**b**) S.I. 1981/238; for the definition of "the Minister" (mentioned in section 14(7)) see section 57(1).
(**c**) S.I. 1969/1735, amended by S.I. 1986/301.

"the 1986 Order" means the Sutton Harbour Revision Order 1986(**a**).

Capital and borrowing powers

3. In article 6(1) of the 1986 Order (capital and borrowing powers)—

(a) after "those modes" insert "or by any other mode the Company considers expedient;" and

(b) for "£10,000,000" substitute "£60,000,000 (or that sum as altered in accordance with article 6A)."

CPI adjustment of borrowing limit

4. After article 6 of the 1986 Order insert—

"**6A.**—(1) On each anniversary of the coming into force of the Sutton Harbour Revision Order 2010, the sum mentioned in article 6(1) shall alter in line with any movement (calculated to one decimal place) in CPI which occurred during the year that ended on the 31st December immediately preceding the anniversary in question.

(2) Any alteration that occurs under paragraph (1) shall be recorded in the next following annual statement of accounts prepared by the Board of the Company.

(3) In paragraph (1) "CPI" means the Consumer Price Index being the main measure of inflation published in the monthly publication of the Office for National Statistics known as "Monthly Digest of Statistics", or any successor from time to time of that index.".

Temporary borrowing powers

5. In article 27 of the 1969 Order (company may incur temporary loans)(**b**) for "five hundred thousand" substitute "one million".

Revocation

6. Article 10(c) of the 1986 Order is revoked.

Signed by authority of the Secretary of State for Transport

R C Bennett
Head of Ports Division
Department for Transport

20th July 2010

(**a**) S.I. 1986/301.
(**b**) Article 27 was amended by article 10 of S.I. 1986/301, in particular by substituting "five hundred" for "fifty".

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Sutton Harbour Revision Orders 1969 and 1986 so as to—

(a) enable the Sutton Harbour Company to borrow money upon the security of all or any of its assets for the time being and of its revenues by any methods it considers expedient (*article 3(a)*);

(b) raise the amount of money that the company can borrow in this way from ten million pounds to sixty million pounds (*article 3(b)*) and provide for this figure to alter in line with changes in the Consumer Price Index (*articles 3(b) and 4*); and

(c) raise the amount that the company can borrow temporarily by overdraft or otherwise from five hundred thousand pounds to one million pounds (*article 5*),

with associated technical amendments in *articles 2 and 6*.

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