



# Ports (Finance) Act 1985

## 1985 CHAPTER 30

An Act to provide for grants to be made to the National Dock Labour Board; to increase the limit on the amount of financial assistance to the Port of London Authority and the Mersey Docks and Harbour Company; to make further provision relating to borrowing by and the audit of the accounts of certain harbour authorities; and to repeal section 9 of the Harbours Act 1964. [26th June 1985]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### **1 Grants to National Dock Labour Board.**

- (1) The Secretary of State may, with the consent of the Treasury, make grants to the National Dock Labour Board in respect of costs incurred by the Board for the purpose of reducing the number of registered dock workers.
- (2) Any sums required by the Secretary of State for making grants under this section shall be defrayed out of moneys provided by Parliament; and in making such a grant the Secretary of State may impose such conditions as he thinks fit.
- (3) The aggregate amount of grants made under this section shall not exceed £10 million or such larger sum (not exceeding £40 million) as may be specified by an order made by the Secretary of State with the consent of the Treasury.
- (4) The power to make an order under this section shall be exercisable by statutory instrument and no such order shall be made unless a draft of it has been laid before and approved by a resolution of the House of Commons.
- (5) In this section "registered dock workers" means the persons whose names are entered in any register of dock workers kept under any scheme for the time being in force under the Dock Workers (Regulation of Employment) Act 1946.

## **2 Increased financial assistance for PLA and MDHC.**

In section 1(3) of the Ports (Financial Assistance) Act 1981 (limit of £360 million on financial assistance to Port of London Authority and Mersey Docks and Harbour Company) for the words " £360 million " there shall be substituted the words " £500 million ".

## **3 Borrowing powers of certain harbour authorities.**

- (1) Where by virtue of an existing local provision any power of a relevant harbour authority with respect to borrowing, the repayment of a loan or the application of borrowed money is subject to the consent or approval of a Minister of the Crown, it may be exercised without that consent or approval.
- (2) Where by virtue of such a provision a relevant harbour authority have power to borrow any amount with the consent or approval of a Minister of the Crown (whether or not they may borrow any other sum without such consent or approval) the maximum amount they may borrow by virtue of that power shall be—
  - (a) if a limit is specified in that provision on the sums that may be borrowed with such consent or approval, the amount of that limit; or
  - (b) if no limit is so specified, an amount equal to the aggregate of the sums specified in the consents or approvals given under that provision before the coming into force of this section,  
increased in each case by 20 per cent.
- (3) Where a relevant harbour authority may by virtue of an existing local provision borrow any amount without the consent or approval of a Minister of the Crown and, by virtue of that or another such provision, may borrow a further amount with such consent or approval, the amount which may be borrowed without such consent or approval shall be increased by 20 per cent.
- (4) Any amount specified in an existing local provision as a limit on the sums that may be borrowed by a relevant harbour authority and any such limit which applies by virtue of subsection (2) or (3) above shall, if it would not otherwise do so, apply to the amount for the time being outstanding in respect of money borrowed under the power to which the limit applies.

## **4 Audit of certain harbour authorities' accounts.**

- (1) Where by virtue of an existing local provision any function of appointing or revoking the appointment of the auditor of a relevant harbour authority or determining the amount of the remuneration or expenses payable to such an auditor is exercisable by a Minister of the Crown, it shall be exercisable instead by the authority itself; and any requirement that the consent or approval of such a Minister be given with respect to the exercise of such a function shall cease to have effect.
- (2) Notwithstanding anything to the contrary in any such provision, a person shall be qualified for appointment as auditor of a relevant harbour authority if, but only if, he would be qualified for the appointment under section 389 of the Companies Act 1985, assuming that the authority were a company to which the provisions of that section other than subsection (2) applied.

## **5 Provisions supplemental to ss. 3 and 4.**

(1) In sections 3 and 4 above and this section—

" existing local provision " means a provision of a local Act (including an Act confirming a provisional order) or a provision of an instrument made under any such local Act or of an instrument in the nature of a local enactment made under any other Act, being a provision in force on the date on which this section comes into force; and

" relevant harbour authority " means a harbour authority constituted by or under an existing local provision for the purpose of managing a harbour (within the meaning of the Harbours Act 1964).

(2) Where a Minister of the Crown considers it necessary or appropriate to do so in consequence of section 3 or 4 above he may by order—

- (a) repeal or revoke any existing local provision which in his opinion has ceased to have effect; or
- (b) make such amendments in any such provision as he thinks fit.

(3) An order under this section may contain such transitional, supplemental or incidental provisions as the Minister thinks appropriate.

(4) The power to make an order under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

## **6 Repeal of s. 9 of Harbours Act 1964.**

(1) Section 9 of the Harbours Act 1964 (control of harbour development) shall cease to have effect.

(2) The enactments mentioned in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

## **7 Short title, commencement and extent.**

(1) This Act may be cited as the Ports (Finance) Act 1985.

(2) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint; and different days may be appointed for different provisions.

(3) This Act does not extend to Northern Ireland.

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*Status: This is the original version (as it was originally enacted).*

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## SCHEDULE

Section 6(2).

## REPEALS

Chapter	Short Title	Extent of Repeal
1964 c. 40.	The Harbours Act 1964.	Sections 9 and 10.  In section 45, in paragraph (a) the words from the beginning to "Act or", paragraph (b) and the word " or " immediately preceding it.  In section 46(1), the words from " or obtained " to " of this Act".
1975 c. 8.	The Offshore Petroleum Development (Scotland) Act 1975.	In section 5(2), the words from " and " onwards.
1976 c. 57.	The Local Government (Miscellaneous Provisions) Act 1976.	Section 42(1)(c).
1981 c. 56.	The Transport Act 1981.	In Schedule 6, paragraph 13(1).