

SCHEDULES

SCHEDULE 5

PROVISIONS SUPPLEMENTING SECTIONS 15 TO 17

PART I

FURTHER PROVISIONS RELATING TO THE DISSOLUTION OF THE NATIONAL PORTS COUNCIL

Disposal of confidential documents belonging to the Council

- 3 (1) It is the duty of the Council to set aside any documents belonging to them the disclosure of the contents of which to the Secretary of State would be a breach of confidence and, notwithstanding section 15(1)(b), such documents do not vest in the Secretary of State on the appointed day.
- (2) References in this paragraph to breach of confidence are to—
- (a) the disclosure otherwise than as permitted by section 46 of the Harbours Act 1964 of information furnished to the Council in pursuance of requirements imposed under section 4 or 41 of that Act; or
 - (b) the disclosure of information furnished to the Council otherwise than in pursuance of requirements so imposed, being information which in the opinion of the Council ought to be treated as confidential,
- not being, in either case, information which the Secretary of State would be entitled to require from any person in exercise of any power conferred on him by this Act or the Harbours Act 1964.
- (3) Where a document which is set aside in pursuance of sub-paragraph (1) also contains information which could be disclosed to the Secretary of State without a breach of confidence, the Council shall, if he so directs, extract that information and furnish it to him.
- (4) Subject to sub-paragraph (3), documents which are set aside in pursuance of sub-paragraph (1) shall be destroyed or otherwise disposed of by the Council in such manner as the Secretary of State may direct so as to prevent any breach of confidence.
- (5) The preceding provisions of this paragraph—
- (a) do not apply to documents relating to legal or other proceedings to which the Secretary of State becomes a party on the appointed day in place of the Council; and
 - (b) do not affect the Council's duty under paragraph 1.
- (6) In this paragraph—
- " document " includes any device in which information is recorded or stored ;
 - " information " includes forecasts.