



Ports Act 1991

1991 CHAPTER 52

PART I

TRANSFER OF STATUTORY PORT UNDERTAKINGS

Procedure for schemes

10 Schemes initiated by the Secretary of State.

- [^{F1}(1) The powers of the Secretary of State under this section are not exercisable until after the end of the period of two years beginning with the date on which this Act is passed.
- (2) The Secretary of State may give to a relevant port authority who have not formed a company in pursuance of section 1 above and who meet the annual turnover requirement a direction requiring them to form such a company before such date as may be specified in the direction.
- (3) Where a relevant port authority who meet the annual turnover requirement—
- (a) have formed such a company; or
 - (b) are given a direction under subsection (2) above requiring them to do so before a date specified in the direction;
- the Secretary of State may give to the authority a direction requiring them (in a case within paragraph (b) above, after first forming the company) to submit to him, before such date as may be specified in the direction, a scheme prepared by the authority for the purposes of a transfer to the company under section 2 above of the authority's property, rights, liabilities and functions.
- (4) In preparing that scheme the authority shall take into account any advice given by the Secretary of State as to the provisions he regards as appropriate for inclusion in the scheme.
- (5) The provisions of section 9 above (other than subsection (1)) shall apply in relation to a scheme submitted under this section as they apply in relation to a scheme submitted

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for the Ports Act 1991, Section 10. (See end of Document for details)*

under that section (but reading references to the appropriate Minister as references to the Secretary of State).

- (6) Before giving any direction to a relevant port authority under this section the Secretary of State shall consult the authority.
- (7) Where after consulting a relevant port authority under subsection (6) above with respect to any direction or directions which he is considering giving to the authority under this section the Secretary of State determines not to give the direction, or either or both of the directions, under consideration he shall give the authority written notification of his decision.
- (8) In any case within subsection (7) above the powers of the Secretary of State under this section shall cease to be exercisable in relation to the authority until after the end of the period of five years beginning with the date on which the required notification is given.
- (9) Directions under subsections (2) and (3) above may be given at the same time if the Secretary of State thinks fit.
- (10) In this section “the annual turnover requirement” means the annual turnover requirement under section 11 below.]

Textual Amendments

F1 S. 10 repealed (S.) (3.12.2015) by [Harbours \(Scotland\) Act 2015 \(asp 13\)](#), **ss. 1(2)(a)**, 3

Modifications etc. (not altering text)

C1 Pt. 1: transfer of functions in part (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), **ss. 29(2)(g)**, 71(4) (with [Sch. 7 paras. 1, 6, 9](#)); [S.I. 2017/1179](#), **reg. 3(g)** (with transitional provisions and savings in [S.I. 2018/278](#), **reg. 2**, [Sch.](#))

Changes to legislation:

There are currently no known outstanding effects for the Ports Act 1991, Section 10.