



# Ports Act 1991

## 1991 CHAPTER 52

### PART II

#### DISPOSAL BY PORT OF LONDON AUTHORITY OF THE PORT OF TILBURY

##### *Disposal of the Port of Tilbury*

#### **22 Transfer to the company of relevant property, etc., of the Port Authority**

- (1) Where the Port Authority have formed a company in pursuance of section 21 above, they may submit to the Secretary of State a scheme providing for the transfer to the company of any property, rights or liabilities of the Port Authority which it appears to them to be appropriate to transfer to that company.
- (2) In preparing such a scheme the Port 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 (and, in particular, as to the description of property, rights and liabilities which it is in his view appropriate to transfer to the company).
- (3) Together with a scheme submitted under subsection (1) above the Port Authority shall submit to the Secretary of State a copy of the memorandum and articles of the company.
- (4) A scheme so submitted requires confirmation by the Secretary of State; and if the Secretary of State decides to confirm the scheme he may do so either without modifications or with such modifications as he thinks fit after consulting the Port Authority.
- (5) If it appears to the Secretary of State that a scheme so submitted does not accord with any advice given by him as mentioned in subsection (2) above, he may either—
  - (a) confirm the scheme under subsection (4) above with modifications; or
  - (b) after consulting the Port Authority, make a scheme of his own providing for the transfer to the company of any property, rights or liabilities of the Port Authority which it appears to him to be appropriate to transfer to that company.

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*Status: This is the original version (as it was originally enacted).*

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- (6) Before—
- (a) confirming a scheme so submitted (with or without modifications); or
  - (b) making a scheme of his own under subsection (5)(b) above;
- the Secretary of State may first (if he thinks fit) give the Port Authority a direction requiring them, before such date as may be specified in the direction, to secure that such alterations are made to the memorandum and articles of the company as may be specified in the direction.
- (7) A scheme under this section may define the property, rights and liabilities to be transferred by the scheme—
- (a) by specifying the property, rights and liabilities in question; or
  - (b) by referring to all the property, rights and liabilities comprised in any specified part of the undertaking of the Port Authority;
- or partly in one way and partly in the other.
- (8) On the date on which a scheme under this section takes effect—
- (a) the property, rights and liabilities affected by the scheme shall, subject to subsection (1) of section 23 below, be transferred and vest in accordance with the scheme; and
  - (b) subject to any provision made by the scheme under subsection (4)(b) of that section, all functions of the Port Authority under any local statutory provision, to the extent to which that provision relates—
    - (i) to any property, right or liability transferred by the scheme; or
    - (ii) to any part of the undertaking of the Port Authority so transferred;shall be transferred to and by virtue of this subsection become functions of the company.
- (9) Confirmation of a scheme submitted under subsection (1) above shall be given by order made by the Secretary of State; and a scheme so confirmed takes effect on the date on which the order confirming it comes into force or on such date as may be specified in the order.
- (10) Any scheme made by the Secretary of State under this section shall be made by order; and a scheme so made takes effect on the date on which the order in question comes into force or on such date as may be specified in that order.