
STATUTORY INSTRUMENTS

1982 No. 9

HARBOURS, DOCKS, PIERS AND FERRIES

The Secretary of State for Transport (Harbour
Authorities) Charging Scheme 1982

<i>Made</i>	- - - -	<i>6th January 1982</i>
<i>Laid before Parliament</i>		<i>20th January 1982</i>
<i>Coming into Operation</i>		<i>11th February 1982</i>

The Secretary of State for Transport, in exercise of the powers conferred by section 17 of, and Part II of Schedule 5 to, the Transport Act 1981, and after complying with paragraph 17 of that Schedule, hereby makes the following Scheme:—

1. This Scheme may be cited as the Secretary of State for Transport (Harbour Authorities) Charging Scheme 1982 and shall come into operation on 11th February 1982.

2. In this Scheme—

“accounting period” means the first accounting period and any period of one year beginning (after 31st March 1983) on 1st April;

“the Act” means the Transport Act 1981;

“the appointed day” means the day appointed by the Secretary of State under section 15(1) of the Act;

“cargo handling” means the loading or unloading of goods in or from a ship;

“the contributing authorities” means the harbour authorities specified in the Schedule to this Scheme and “contributing authority” shall be construed accordingly;

“contributions” means the contributions which the Secretary of State is required by section 16(1) of the Act to levy from harbour authorities;

“financial year” means, in relation to each of the contributing authorities, the year for which their annual accounts are normally made up;

“the first accounting period” means the period beginning on the appointed day and ending on 31st March 1983;

“harbour”, “fishery harbour” and “marine work” have the respective meanings assigned to those expressions by section 57(1) of the Harbours Act 1964;

“the last financial year” means, in relation to each of the contributing authorities, the financial year ending last before the 1st October last preceding the beginning of the accounting period;

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“relevant income” means, in relation to each contributing authority, all income of that authority arising from or in connection with the improvement, maintenance or management by that authority of the harbour or harbours (other than a fishery harbour or marine work) for which they are the harbour authority but not including—

- (a) income in respect of cargo handling by the contributing authority;
- (b) income received by the contributing authority in respect of pilot-age;
- (c) income from securities owned by the contributing authority other than securities of a subsidiary (within the meaning of section 154 of the Companies Act 1948) of the contributing authority, which is not engaged wholly or mainly in cargo handling;
- (d) income from loans or deposits made by the contributing authority for a period not exceeding sixty calendar months;
- (e) rents from tenancies granted by the contributing authority in connection with the improvement, maintenance or management of the harbour or harbours in question except in so far as those rents in any financial year exceed ten per cent of the sum arrived at after deducting the aggregate amount of items (a) to (d) above from the total amount of the contributing authority's income arising from or in connection with the improvement, maintenance or management of the harbour or harbours in question by the contributing authority;
- (f) income from the sale of fish by the contributing authority;

“securities” means shares, stock, debentures, debenture stock and other securities of a like nature.

3.—(1) The Secretary of State shall as soon as practicable in the case of the first accounting period (whether or not that shall be before the beginning of that period) and in the case of each subsequent accounting period not later than 1st March last preceding the beginning of that period—

- (a) decide the total amount of the contributions to be levied under this Scheme in the accounting period in question (which amount is hereinafter referred to as “the total amount”);
- (b) apportion the total amount among the contributing authorities in the manner described in paragraph (2) below:

Provided that if the amount so apportioned to a contributing authority is not a whole number of pounds the fraction of a pound shall be ignored; and

- (c) issue to each of the contributing authorities a demand for payment of a charge equal to the amount apportioned under the last preceding sub-paragraph.

(2) The Secretary of State shall apportion the total amount among the contributing authorities by apportioning to each of the contributing authorities a sum which bears to the total amount the same proportion as the amount of that authority's relevant income in the last financial year bears to the total of the relevant income of all the contributing authorities in the last financial year as applicable to them respectively.

4.—(1) The Secretary of State may by notice in writing served on a contributing authority require that authority to furnish him with any information which the Secretary of State may require for the purpose of this Scheme, being information relating to—

- (a) any harbour which that contributing authority are engaged in improving, maintaining or managing; or
- (b) any activities carried on by them at such a harbour; or
- (c) any property used by them for the purpose of such a harbour,

and the Secretary of State may by such notice as aforesaid require the contributing authority on whom it is served to verify any of the information which they are required by that notice to furnish to the Secretary of State.

(2) A contributing authority who fail to comply with any requirement of a notice served on them under paragraph (1) above (unless they prove that they had reasonable excuse for the failure) shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500.

(3) An apportionment made by the Secretary of State in accordance with article 3(2) of this Scheme shall not be invalid on the grounds that it is based on information furnished by a contributing authority which subsequently proves to be inaccurate.

(4) If it appears to the Secretary of State that a contributing authority have failed to furnish him with information as to their relevant income in a financial year after being required to do so by a notice served under paragraph (1) above or that any such information which they have furnished is unreliable he may, for the purpose of making an apportionment in accordance with article 3(2) of this Scheme, estimate as best he can the amount of the authority's relevant income in that year and the apportionment shall not for that reason be invalid.

5.—(1) Each of the contributing authorities shall pay to the Secretary of State the charge for which a demand is issued to them under article 3 of this Scheme in respect of the first accounting period either, at their option, by one lump sum payment which shall become due on 1st April 1982 or by four equal instalments which shall become due respectively on 1st April, 1st July and 1st October 1982 and 3rd January 1983.

(2) Each of the contributing authorities shall pay to the Secretary of State the charge for which a demand is issued to them under article 3 of this Scheme in respect of an accounting period other than the first either, at their option, by one lump sum payment which shall become due at the beginning of the accounting period or by four equal instalments which shall become due respectively on 1st April, 1st July, 1st October and 3rd January in the accounting period.

(3) If a contributing authority who have decided to pay the charge for which a demand has been issued to them under article 3 of this Scheme by four equal instalments fail to pay the first, second or third instalment within a period of 14 days beginning with the day when that instalment became due in accordance with the preceding provisions of this article, then upon the expiration of the said period the whole amount of the said charge or, as the case may be, of the balance thereof then outstanding, shall become due and payable to the Secretary of State.

(4) The amount of any payment to be made by a contributing authority under the preceding provisions of this article shall be a debt due by that authority to the Secretary of State. Unless a contributing authority have indicated to the Secretary of State that they have decided to pay the charge for which a demand has been issued to them under article 3 of this Scheme by one lump sum payment it shall be assumed for the purposes of this paragraph that a contributing authority have decided to pay such charge by four equal instalments.

6. A demand for payment issued by the Secretary of State under article 3(1) of this Scheme, or a notice served by him under article 4(1), shall be duly served on the contributing authority in question if it is sent by post by means of the recorded delivery service to their clerk or secretary at the registered or principal office of that authority.

7. Where a contributing authority change the year for which their accounts are normally made up and, as an incident of that change, their accounts are made up for a transitional period which is greater or less than a year, the period of twelve months which coincides with the end of the transitional period shall be deemed to be a financial year for the purposes of this Scheme.

6th January 1982

David Howell
Secretary of State for Transport

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SCHEDULE

CONTRIBUTING AUTHORITIES

Aberdeen Harbour Board
Ardrossan Harbour Company Limited
Blyth Harbour Commissioners
Boston Borough Council
Bristol City Council
British Transport Docks Board
British Waterways Board
Cattedown Wharves Limited
Cattewater Harbour Commission
Chichester Harbour Conservancy
Clyde Port Authority
Colchester Borough Council
Cromarty Firth Port Authority
Cumbria County Council
Dover Harbour Board
Dundee Port Authority
Falmouth Docks and Engineering Company
Falmouth Harbour Commission
Felixstowe Dock and Railway Company
Forth Ports Authority
Fowey Harbour Commission
Great Yarmouth Port and Haven Commissioners
Harwich Harbour Conservancy Board
Ipswich Port Authority
Isle of Anglesey Borough Council
King's Lynn Conservancy Board
Lerwick Harbour Trust
Manchester Ship Canal Company
Medway Ports Authority
Mersey Docks and Harbour Company
Milford Docks Company
Milford Haven Conservancy Board
Montrose Harbour Trust
Orkney Islands Council
Poole Harbour Commission
Port of London Authority
Port of Tyne Authority

Portsmouth City Council
Sealink UK Limited
Shetland Islands Council
Shoreham Port Authority
Sunderland Borough Council
Sutton Harbour Improvement Company
Tees and Hartlepool Port Authority
Thanet District Council
Unilever Limited
Weymouth and Portland Borough Council
Whitehaven Harbour Commission
Yarmouth (Isle of Wight) Harbour Commission

EXPLANATORY NOTE

This Scheme gives effect to section 16 of the Transport Act 1981 which requires the Secretary of State to levy from harbour authorities such contributions as appear to him to be necessary to meet the expenses specified in subsection (2) of that section after making allowance for the contribution made by him in accordance with subsection (3) thereof. The expenses are contingent upon the dissolution of the National Ports Council in accordance with section 15 of, and Schedule 5 to, the Act for which the appointed day is 1st October 1981 under the Transport Act 1981 (Dissolution of National Ports Council) (Appointed Day) Order 1981 (S.I. 1981/1364).