

2015 No. 1384

HARBOURS, DOCKS, PIERS AND FERRIES

The Blyth Harbour Revision Order 2015

Made - - - - *5th June 2015*

Laid before Parliament *12th June 2015*

Coming into force - - *10th July 2015*

The Blyth Harbour Commissioners have applied in accordance with section 14(2)(a) of the Harbours Act 1964(a) (“the Act”) for a harbour revision order under section 14.

The Secretary of State, as the appropriate Minister for the purposes of section 14, has by an order(b) under section 42A of the Act(c) delegated the functions of the appropriate Minister under section 14(d) to the Marine Management Organisation(e).

The Marine Management Organisation, being satisfied as mentioned in section 14(2)(b) and in exercise of the powers conferred by section 14(1) and (3), makes the following Order.

Citation and commencement

1.—(1) This Order may be cited as the Blyth Harbour Revision Order 2015 and shall come into force on 10th July 2015.

(2) The Blyth Harbour Acts and Orders 1858 to 2004, the Port of Blyth (Battleship Wharf Railway) Order 2006 and this Order may together be cited as the Blyth Harbour Acts and Orders 1858 to 2015.

Interpretation

2. In this Order—

“the 1986 Act” means the Blyth Harbour Act 1986(f);

“the Commissioners” means the Blyth Harbour Commissioners;

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- (a) 1964 c.40; section 14 was amended by the Transport Act 1981 (c.56), section 18 and Schedule 6, paragraphs 2 to 4(1) and 14 and section 40 and Schedule 12 (Part II); by the Transport and Works Act 1992 (c.42), section 63(1) and Schedule 3, paragraph 1; by S.I. 2006/1177, regulation 2 and the Schedule (Part 1); by the Planning Act 2008 (c.29), section 36 and Schedule 2, paragraphs 8 and 9; by S.I. 2009/1941, article 2 and Schedule 1, paragraph 12; and by the Criminal Justice Act 1982 (c.48), sections 37 and 46. Section 54 (orders and regulations) was amended by the Transport Act 1981 (c.56), sections 18 and 40 and Schedule 6 and 12 (Part II) and by the Marine and Coastal Access Act 2009 (c.23), section 315 and Schedule 21, paragraphs 1 and 3(2).
- (b) See S.I. 2010/674.
- (c) Section 42A was inserted, in relation to England and Wales, by the Marine and Coastal Access Act 2009 (c.23) section 315 and Schedule 21, paragraphs 1 and 3(1).
- (d) For the definition of “the Minister” (mentioned in section 14(7)), see section 57(1).
- (e) The Marine Management Organisation was established by the Marine and Coastal Access Act 2009 (c.23), section 1.
- (f) 1986 c.xxi.

“subsidiary” has the meaning given by section 1159(1) of the Companies Act 2006(a);

Power to borrow

3.—(1) The Commissioners, including any subsidiary of the Commissioners, may from time to time borrow, by any methods they see fit, such sums of money as they think necessary for the purposes of meeting their obligations in carrying out their functions(b).

(2) A sum of money borrowed under paragraph (1) by the Commissioners, or any subsidiary of the Commissioners, may be borrowed upon the security of some or all of—

- (a) their assets for the time being;
- (b) their revenues;
- (c) a combination of their assets and revenues

in whatever way they think fit.

(3) The Commissioners, or a subsidiary of the Commissioners, may effect such arrangements as they think fit to mitigate against any financial risk incurred for the purpose of meeting the obligations mentioned in paragraph (1).

Repeals

4. Sections 13 and 14 of the 1986 Act are repealed.

Signed by authority of the Marine Management Organisation

J.F. Tuckett
Chief Executive Officer

5th June 2015

An Authorised employee of the Marine Management Organisation

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the borrowing powers of the Blyth Harbour Commissioners (“the Commissioners”) contained in the Blyth Harbour Act 1986 (c.xxi) (“the 1986 Act”).

The Commissioners borrowing powers and those of their subsidiaries were capped under the 1986 Act at £25,000,000 for permanent borrowings and £5,000,000 for temporary borrowings.

Article 3 authorises the Commissioners and their subsidiaries to borrow without limit such sums of money as they think necessary and to make arrangements to mitigate against any financial risk incurred for the purposes of meeting their obligations in carrying out their functions.

Article 4 repeals the earlier borrowing powers contained in the 1986 Act.

A full assessment has not been produced for this instrument as no impact on business or the private or voluntary sector is foreseen.

(a) 2006 c.46.

(b) For the definition of “functions” see section 57(1).

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