



# Harbours Act 1964

## 1964 CHAPTER 40

### *[<sup>F1</sup>Delegation of certain functions*

#### **[<sup>F1</sup>42A Power to make orders delegating functions**

- (1) The relevant authority may by order provide for such of the delegable functions as are designated in the order to be exercisable by such person as is designated in the order.
- (2) An authority may make an order under subsection (1) only with the consent of the person designated in it (“the delegate”).
- (3) The delegate—
  - (a) must comply with the order, and
  - (b) is to be taken to have all the powers necessary to do so.
- (4) For so long as an order under subsection (1) remains in force, the functions designated in the order—
  - (a) are exercisable by the delegate acting on behalf of the authority, and
  - (b) are not exercisable by the authority.This subsection is subject to subsections (5) and (6).
- (5) The delegate must obtain the consent of the relevant authority before exercising any function under—
  - (a) section 15;
  - (b) section 15A;
  - (c) section 18.
- (6) Subsection (4)(b) does not apply to any function under—
  - (a) section 15;
  - (b) section 15A;
  - (c) section 18.
- (7) If a function is, by virtue of an order under subsection (1), exercisable by a person, any reference in this Act to the relevant authority is to be read, so far as relating to that function or the exercise of it, as a reference to that person.

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*Changes to legislation: Harbours Act 1964, Section 42A is up to date with all changes known to be in force on or before 15 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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[ Subsection (7) does not apply to a reference in paragraph 20A of Schedule 3 to the <sup>F2</sup>(7A) Secretary of State or the Welsh Ministers.]

- (8) An order under subsection (1) may make different provision for different cases, different areas or different persons.
- (9) The delegable functions are functions under the following sections—
- (a) section 14 (making harbour revision orders, except as mentioned in paragraph (b) below);
  - (b) section 15 (making harbour revision orders for limited purposes for securing harbour efficiency);
  - (c) section 15A (making orders varying powers of appointment in the constitutions of harbour authorities);
  - (d) section 16 (making harbour empowerment orders);
  - (e) section 18 (confirming or making harbour reorganisation schemes);
  - (f) section 60 (making orders amending Acts of local application).
- (10) In this section “the relevant authority”, in relation to any delegable function, means the authority by whom (apart from any order under subsection (1)) the function is exercisable.]

#### Textual Amendments

- F1** Ss. 42A, 42B and cross-heading inserted (E.W.) (12.11.2009 for specified purposes, 12.1.2010 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(1)(c)(d), [Sch. 21 para. 3\(1\)](#); S.I. 2009/3345, art. 2, Sch. para. 26
- F2** S. 42A(7A) inserted (5.12.2017) by [The Environmental Impact Assessment \(Miscellaneous Amendments Relating to Harbours, Highways and Transport\) Regulations 2017 \(S.I. 2017/1070\)](#), reg. 1(1), [Sch. 1 para. 4](#) (with Sch. 6 paras. 1, 2(2))

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act modified by [2023 c. 8 s. 9\(7\)](#)